

RESPONSES TO PUBLIC COMMENTS

In the following section, the “public concern statements” (PCs) are presented in bold text, and the response is in normal text. Each public concern statement identifies the individual submitting the comment, unless the respondent requested that confidentiality be preserved, as well as the organization he/she represents, if any. This will facilitate tracking the public concern statement back to the original letter or source.

Many comments refer to section numbers of the document. The reader should note that section numbers have changed from the Draft Environmental Impact Statement to the Final Environmental Impact Statement. The current section numbers are referenced in the following responses.

DOCUMENT PRESENTATION

PC 001: The CDCA Amendment for the Coachella Valley, and the Santa Rosa and San Jacinto Mountains Trails Management Plan are only partially related and further complicated by the relationship to other plans. Therefore, they should have been addressed in separate documents. (J. Morgan / Sierra Club)

Response: This Final Environmental Impact Statement only addresses the CDCA Plan Amendment for the Coachella Valley. The Trails Management Plan will be addressed in a separate environmental impact statement. Please refer to section 1.6.4 of this Final EIS for a description of how the trails management plan will be addressed, and its relationship to the CDCA Plan Amendment for the Coachella Valley and the Coachella Valley Multi-Species Habitat Conservation Area Plan.

PC 002: Identification of the preferred alternative whenever specific alternatives are referenced in Chapter 4—Environmental Consequences was not consistently done, thereby requiring the reader to refer to Table ES-1 or Chapter 2 to determine which alternative is preferred. (L. Hanf / U.S. Environmental Protection Agency; D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The Final Environmental Impact Statement has been revised in response to this comment.

PC 003: A reviewer cannot judge the potential effects of proposed route designations and OHV open areas on adjacent existing or proposed wilderness areas when neither the proposed open

routes/areas nor adjacent sensitive areas have been adequately mapped. Maps and data are entirely missing for some issues, or for other issues they are too large a scale and do not give adequate reference points to be understandable. It is not clear where the proposed new OHV open areas are located. (J. Taylor / Sierra Club)

PC 004: The document does not identify the name, length, and location of each OHV route and vehicle play area that will be affected by the alternatives. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

PC 005: The document fails to identify a preferred alternative for route designations in Section 2.1.3.17, Motorized-Vehicle Access: Route Designations, or in the summary. Only Figure 2-10b purports to represent the preferred alternative. No specific routes are identified, nor can it be determined which routes are proposed open and which are proposed closed. (G. Black / California Department of Fish and Game; J. Taylor / Sierra Club)

Response: Each route of travel was listed and described in Appendix D, Table D-2 of the Draft Environmental Impact Statement, including the route number, length, map location, and designation under each alternative. For the Final Environmental Impact Statement, routes closed under previous planning efforts, as well as routes not available for public use in accordance with right-of-way grants (for example, wind farm areas) and effective closures by other land owners, now appear in Tables D-2 and D-3; closure decisions for these routes are not changed. Routes for which decisions will be made under the CDCA Plan Amendment for the Coachella Valley appear in Table D-4 of Appendix D. A set of USGS 7.5-minute topographic maps depicting each route and alternative designations was made available for review by the public during the public comment period. This process is more fully described in Section 3.5. Sierra Club and California Association of 4 Wheel Drive Clubs were provided with a set of route inventory maps.

The proposed OHV open areas under Alternative A are described in Chapter 2, Section 2.4.16, Motorized-Vehicle Area Designations (see legal descriptions). The OHV open areas are also depicted in Figure 2-10a.

Special area designations are depicted in Figures 2-6a, 2-6b, and 2-6c. Relating these special areas to the OHV open area maps (Figure 2-10a) and the route designation maps (Figures 2-11a, 2-11b, 2-11c, and 2-11d) does require some interpretation on the part of the reviewer. During development of the Draft EIS, the BLM attempted to combine maps (such as special area designations, motorized-vehicle routes,

and motorized vehicle area designations) and found the maps to be “too muddy” for interpretation. A larger scale, color map with these overlays is available on the internet and upon request.

RELATIONSHIP TO OTHER PLANS / COORDINATION

Please refer to the bighorn sheep topic heading for comments and responses regarding the *Recovery Plan for the Peninsular Ranges Bighorn Sheep*.

PC 006: A reviewer cannot assess the effects of BLM’s habitat conservation areas when they clearly depend on the boundaries proposed in the upcoming Coachella Valley Multiple Species Habitat Conservation Plan. (J. Taylor / Sierra Club)

PC 007: In Section 2.1.3.6, Habitat Conservation Objectives, it is not clear what BLM meant upon stating that conservation areas refer to special designations “within the conservation system approved by BLM in support of the Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP).” It is not clear whether this “conservation system” is the same, more or less than the CVMSHCP conservation areas. (J. Taylor / Sierra Club)

Response: For the purposes of this plan amendment, the “conservation areas” are a product of the joint efforts under the CVMSHCP, as they apply to BLM-managed public lands. The EIS has been modified to clarify what BLM means by “conservations areas.” Please refer to the Glossary and Section 2.4.6. The conservation objectives proposed in Section 2.4.6 (Section 2.1.3.6 in the Draft EIS) would apply to all BLM-managed lands which fall within the approved CVMSHCP conservation area boundary. Pending completion of the CVMSHCP, the BLM shall utilize the proposed conservation boundary which has been agreed to by both the US Fish and Wildlife Service and the Coachella Valley Association Governments to date.

PC 008: Instead of rushing forward to complete the CDCA Plan Amendment for the Coachella Valley ahead of schedule, BLM should pursue its completion simultaneously with the Coachella Valley Multiple Species Habitat Conservation Plan. It is impossible to assess the Plan Amendment’s effectiveness without the CVMSHCP information on which the amendment relies, and without essential information from other interrelated habitat plans that is not yet available, including the Habitat Conservation Plan being developed by the Agua Caliente Band of Cahuilla Indians. (J. Taylor / Sierra Club)

Response: Nearly all of the biological information used to develop the CDCA Plan Amendment was developed as part of the CVMSHCP planning

effort. This information is now summarized in Appendix E of the CDCA Plan Amendment. The BLM is not required to wait for information that is currently unavailable (40 CFR 1502.22). While ideally the CDCA Plan Amendment and CVMSHCP would be completed concurrently, please refer to Section 1.6.3 for an explanation why the CDCA Plan Amendment is now on a shortened schedule.

PC 009: Generally, the CDCA Plan Amendment for the Coachella Valley ignores Tribal lands and actions in its analysis. (J. Taylor / Sierra Club)

Response: The BLM consulted with local Tribes during the development of the CDCA Plan Amendment. The BLM is not aware of any other land management plans being developed by Tribes within the planning area other than the Tribal Habitat Conservation Plan being developed by the Agua Caliente Band of Cahuilla Indians. BLM-managed public lands adjoin Agua Caliente lands in a number of locations. BLM's CDCA Plan Amendment was developed in close coordination with the Agua Caliente Band of Cahuilla Indians, in order to facilitate consistency in land uses and habitat protection across the Coachella Valley. Furthermore, the Tribe and the BLM operate under a Cooperative Management Agreement and actively seek to find ways to engage in activities that improve land management compatibility, effectiveness and efficiency. Specific examples of these efforts include cultural survey, management of the wild horse Herd Management Area and control of tamarisk.

The Morongo Band of Mission Indians informed the BLM that they plan to develop a habitat conservation plan in conjunction with Western Riverside County's planning efforts. Preliminary discussions have also occurred with the Torres Martinez Desert Cahuilla Indians concerning possible wetland restoration projects at the mouth of the Whitewater River. Tribal consultation and coordination efforts are addressed in Sections 1.6.2 and 2.2.

PC 010: Given that the draft Coachella Valley Multiple Species Habitat Management Plan, scheduled for release and public review in January 2003, will include recommendations regarding a trails plan, identification of a preferred alternative for the Trails Management Plan by the BLM at this time is premature. This will have a deleterious influence on any genuine discussion and evaluation of CVMSHCP trails plan alternatives by local communities and trail users. (J. Herman, F. Baker / City of La Quinta)

Response: BLM's intent in presenting the draft Trails Management Plan was to benchmark progress made to date and to provide the public with a clear indication of the alternatives under discussion to represent the trails management portion of the overall sheep recovery strategy. There will be an additional opportunity for the public to again submit comments when the Coachella Valley Multiple Species Habitat Conservation Plan is released for review, and BLM will also participate in that process. The proposed preferred alternative identified in the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan was developed collaboratively with the local communities and trail users through the Trails and Bighorn Sheep Working Group. In addition, the U.S. Fish and Wildlife Service and California Department of Fish and Game collaborated on the proposed preferred alternative. The proposed preferred alternative does not establish the final course of action for the BLM or any city participating in the Coachella Valley Multiple Species Habitat Conservation Plan.

PC 011: As the Santa Rosa Mountains Wildlife Habitat Management Plan: A Sikes Act Project was jointly developed by the California Department of Fish and Game and BLM, any amendments or updates need to be agreed to by both agencies. The Department has not yet agreed to update the Sikes Act Plan through the Coachella Valley Multiple Species Habitat Conservation Plan. The Department considers the Sikes Act Plan active and any updates should be done through the mechanism outlined in the plan itself. Management of the area will continue with the same emphasis stated in the plan. Further, such management must be consistent with the 1985 Cooperative Agreement for the Santa Rosa Mountains Wildlife Area 3, which identifies Peninsular Ranges bighorn sheep as the primary emphasis species of the cooperative agreement. (G. Black / California Department of Fish and Game)

Response: We concur the needed modifications to the Sikes Act Plan do require approval by both agencies and the process for making the modifications is described in Section V. of the Sikes Act Plan. Section 1.5, Relationship to Other Plans, has been clarified in this regard. BLM is committed to managing for recovery of bighorn sheep populations and will work with California Fish and Game toward that goal. However much of the implementation of the existing Sikes Act Plan has been completed, has been affected by changes in law or conditions on the ground, or will need to be updated based on changes in the CDCA plan. A review is also needed for agreements which apply to the area recently designated as the Santa Rosa and San Jacinto Mountains National Monument, and to ensure consistency with this plan amendment. Both the Sikes Act Plan and the agreement

were prepared prior to listing of bighorn sheep in the Peninsular Ranges and prior to designation of wilderness areas and the National Monument. Reviews and updates would be conducted jointly with California Department of Fish and Game.

PC 012: The CDCA Plan Amendment proposes to maintain the Dunn Road, which was built in trespass, despite the Sikes Act Plan calling for removal of trespass roads and trails. This inconsistency should be analyzed. (J. Taylor / Sierra Club)

Response: BLM initiated trespass proceedings soon after it was discovered the “Dunn” road was under construction without proper authorization. On December 10, 1971, “Partial Summary Judgment Amending Judgment of March 12, 1969,” was entered in U.S. District Court enjoining the defendants (American Land Company, etc., et al., builders of the road) and all others acting with them, or for them from crossing over, traversing, and/or in any manner using the surface of the road constructed by the defendants, over the National Resource lands under jurisdiction of the BLM, and/or in any manner conducting any further road construction on these lands. The defendants appealed from this Partial Summary Judgment.

Pending the outcome of that appeal, the BLM and American Land Company, et al., entered into a “Stipulation for Settlement on the Issue of Damages Only and Order Hereon,” which was approved by the Court on February 23, 1973.

On June 17, 1975, the Court entered “Final Judgment” for the purpose of compromise settlement of the issues raised in United States of America v. American Land Company, etc., et al. (Civil No. 68-1119-FW, U.S. District Court, Central District of California). This Final Judgment granted, in part, America Land Company the right to proceed with the construction of Dunn Road, subject to numerous conditions, and the right to access public lands to fulfill those conditions.

In summary, the matter regarding the trespass nature of Dunn Road was addressed by U.S. District Court and resolved in 1975. As such, the Dunn Road is not currently in trespass.

PC 013: The CDCA Plan Amendment alludes to certain modifications of the Santa Rosa Mountains Wildlife Habitat Management Plan: A Sikes Act Project, but fails to identify them. (J. Taylor / Sierra Club)

Response: The needed modifications to the Sikes Act Plan do require approval by both agencies and the process for making the modifications is described in Section V. of the Sikes Act Plan to become a final joint plan. Section 1.5, Relationship to Other Plans, has been clarified in this regard. Much of the existing Sikes Act Plan has been completed, has been affected by changes in law or conditions on the ground, or will need to be updated based on changes in the CDCA plan and recent designation as the Santa Rosa and San Jacinto Mountains National Monument. These changes would be developed jointly with California Department of Fish and Game, and may be subject to further environmental and public review depending on their significance. Because the Sikes Act Plan is an “activity level” plan for BLM, it would be updated outside the scope of the CDCA plan amendment process, in much the same manner the original Sikes Act Plan was created.

PC 014: In Section 2.1.4, Plan Maintenance, a discussion should be included regarding how the trails plan will be implemented should the Coachella Valley Multiple Species Habitat Conservation Plan not be completed. (G. Black / California Department of Fish and Game)

Response: With or without the CVMSHCP, BLM will continue efforts to develop a multi-jurisdictional trails management plan for the Santa Rosa and Jacinto Mountains as proposed in the *Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California*. Given the land ownership and jurisdiction situation in the mountains, a multi-jurisdictional approach has a much greater chance of effectively managing recreation and, thereby contributing to the recovery effort for bighorn sheep and providing better public service. In the interim, BLM will continue to coordinate with the local jurisdictions, State and Federal agencies, and private interest groups to manage the public lands in bighorn sheep habitat, utilizing the best available scientific information.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND FEDERAL LAND POLICY AND MANAGEMENT ACT (FLPMA) COMPLIANCE

PC 015: The Plan Amendment states that the BLM preferred alternative consists of an amalgamation of plan elements chosen from three alternatives (A through C). The National Environmental Policy Act does not permit BLM to propose a preferred alternative in such manner. This failure to clearly describe the proposed action is a violation of NEPA. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The Coachella Valley California Desert Conservation Area Plan Amendment is not one proposal, but many proposals (called plan elements) packaged together to reduce duplication and paperwork (40 CFR 1500.4 (o)). The NEPA regulations require that agencies “Identify the agency’s preferred alternative or alternatives, if one or more exists, in the draft statement, and identify such alternative in the final statement...” (40 CFR 1502.14(e)). A description of BLM’s preferred alternative for all plan elements is provided in the Executive Summary.

PC 016: The Environmental Impact Statement makes no attempt to evaluate the selected plan elements of the preferred alternative as they interact with one another, i.e., each preferred element is analyzed individually without integrating it into the mélange of other preferred elements. As a result, the EIS fails to meet the most basic requirement of NEPA, which is to describe the proposed action clearly and to assess its impacts on the human environment. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Many of the plan elements are independent of one another relative to the impact analysis. Some plan elements are inter-related, such as the proposed air quality management strategy and the motorized vehicle route and area designations. The alternatives for each of these plan elements are designed to track closely with one another, such that Alternatives A, B and C of the air quality management strategy (ranging from less to more stringent air emission controls, respectively) correlates with the motorized vehicle route and area designation Alternatives A, B and C (ranging from fewer to more route/area closures, respectively). With this correlation built into the array of alternatives presented in Chapter 2, the impact analysis indeed does consider the impact of the preferred alternative as a whole, along with the other alternatives. Chapter 4 has been slightly reorganized in order to better clarify this correlation.

PC 017: The Environmental Impact Statement fails to identify the specific recreational uses that will be affected by the Plan Amendment, describe the proposed changes in detail, and examine the impacts of each proposed change. Consequently, it does not demonstrate that BLM has taken a hard look at the impacts as required by NEPA. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Primary recreation activities and their relevant use levels within the planning area are described in Section 3.4, Recreation. Impacts to

recreation from proposed management prescriptions under each alternative are analyzed in Section 4.4, Recreation. Impacts to motorized-vehicle recreation are specifically addressed in Section 4.5, Motorized-Vehicle Access.

PC 018: In all areas, careful study and assessment should be required for any new facilities on BLM lands, including an assessment of impacts to visual resources. (J. Morgan / Sierra Club)

Response: Proposed projects are evaluated in accordance with applicable laws, regulations and policies (Section 1.6.2, Laws, Regulations and Policies), and land use plan decisions. Assessments of impacts to visual resources are undertaken when preparing environmental reviews in accordance with the National Environmental Policy Act.

PC 019: The Plan Amendment fails to adequately consider the cumulative effects of its proposed actions because it considers only the actions proposed on BLM lands, not the vast acreages of private lands checkerboarded with federal lands in the Coachella Valley. (J. Taylor / Sierra Club)

Response: The public and private land decisions, in a growing area like the Coachella Valley with complex land ownerships and jurisdictions, are inherently interdependent. The development of this plan amendment, in coordination with these local jurisdictions and agencies, using common scientific and linked planning processes, helps ensure well-considered public decisions designed to deliver the natural, social, economic, and cultural values intended. Section 4.17, Cumulative Impacts, addresses impacts to non-public lands.

PC 020: The Environmental Impact Statement fails to analyze, disclose, and mitigate the cumulative recreation impacts of the Coachella Valley Plan, Northern and Eastern Mojave Desert (NEMO) Plan, Northern and Eastern Colorado Desert (NECO) Plan, and the twelve interim closures BLM has implemented throughout the California Desert Conservation Area. Among the cumulative impacts overlooked is safety. By closing vehicle routes and OHV open areas, OHV users will be forced onto smaller areas, thereby increasing the potential for accidents and other safety problems. Further, these closures will diminish the recreational and aesthetic experiences for OHV users, and will inevitably lead to conflicts between users. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Under the Proposed Plan, BLM has not proposed to close public lands designated as “open” through the CDCA Plan (1980) or subsequent amendments. There are no designated OHV open areas within the planning area. Under the Proposed Plan, a total of 26 miles of routes on public lands would be additionally designated “closed” to protect sensitive natural or cultural resources, and reduce PM10 generation in the Coachella Valley (70 miles of routes are already closed or unavailable for use per prior CDCA Plan amendments, rights-of-way, activity plans, or actions by other parties; these closures would not be changed under the Proposed Plan). Out of the total 73 miles of currently available routes on public lands (excluding the NECO Plan overlap area), 47 miles would remain open to accommodate recreation use. There are also hundreds of miles of routes, and several thousand acres of OHV open areas on nearby public lands outside the planning area (see Section 3.4, Recreation: Regional OHV Opportunities).

Given these opportunities and present use levels, there is no evidence of crowding or safety issues in the Coachella Valley due to OHV management by the BLM. Issues of perceived crowding may be attributed to social issues and personal choice; OHV users seeking solitude and remote locations will find ample opportunities on public lands or by avoiding holiday weekends. Users seeking social settings with larger crowds can also find those opportunities by choosing locations or dates known to attract more users. The BLM encourages safety by communicating and enforcing State motor vehicle regulations and by working cooperatively with industry and OHV groups to train and educate users on the proper handling and use of ATVs, motorcycles, and other OHVs.

- PC 021: As the Federal Land Policy and Management Act of 1976 requires BLM to provide for OHV recreation, the lack of mitigation for recreation losses constitutes a violation of the Act. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)**
- PC 022: The BLM fails to provide adequate mitigation for impacts to OHV use and other recreational activities. For example, if an area or route needs to be closed to motorized-vehicle access because of significant impacts to an endangered species, another area should be opened or expanded, or another route opened, to compensate for the closure. Further, the BLM does not explain why alternative routes could not be identified and incorporated into the Plan Amendment. (R. Denner / California Desert District Advisory Council; D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)**

Response: In Section 102(a)(8) of the Federal Land Policy and Management Act of 1976, Congress declares that it is the policy of the United States that “the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and will provide for outdoor recreation and human occupancy and use.” Further, in Section 601(a)(4) of the Act, Congress found that “the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles.”

The Coachella Valley CDCA Plan Amendment addresses and provides for outdoor recreation uses, including the use of off-highway vehicles where appropriate, consistent with FLPMA. FLPMA does not require that loss of recreation opportunities in furtherance of its provisions be mitigated. However, BLM is working with State and local governments and agencies to identify appropriate lands in the planning area and in western Riverside County that could be acquired through purchase or exchange to meet demands for OHV free-play opportunities. BLM is also proposing design of an area in the vicinity of Drop 31 to accommodate vehicle-based recreation. Each of these efforts are intended to address recreation demand.

PC 023: Given that the National Environmental Policy Act requires BLM to develop and consider feasible mitigation measures to reduce all foreseeable impacts, the lack of mitigation for recreation losses constitutes a violation of the Act. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: BLM is required to use all practicable means, consistent with the requirements of the National Environmental Policy Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment (40 CFR 1500.2). In designating areas and routes for use by off-highway vehicles, such areas and routes shall be located, in part, to minimize damage to soil, watershed, vegetation, air, or other resources of the public lands (43 CFR 8342.1(a)). In Chapter 2, Alternatives, of the Environmental Impact Statement, BLM includes

appropriate mitigation measures not already included in the proposed action or alternatives, as indicated in 40 CFR 1502.14(f). Chapter 4, Environmental Consequences, also includes discussions about means to mitigate adverse environmental impacts not fully covered in Chapter 2 as required in 40 CFR 1502.16(h).

Avoiding or minimizing adverse impacts to one element of the environment could result in new or additional adverse impacts to another element. As an example and pertinent to the public concern statement, PM10 dust levels rose sufficiently from 1999 to 2001 in the Coachella Valley such that the region is designated a “serious” non-attainment area for PM10. Should the region continue to fall short of Federal PM10 standards, the U.S. Environmental Protection Agency could impose more stringent regulations or sanctions on local jurisdictions. Man-made and natural dust-causing activities, such as agricultural tilling in fields, construction and demolition operations, and driving on paved and unpaved roads account for 96% of the emissions (per monitoring reported in the 1996 Coachella Valley State Implementation Plan, South Coast Air Quality Management District). Responses to Public Concern statements (PCs) 073, 074 and 075 provide additional discussion regarding the generation of PM10 by vehicular activities in particular.

Hence, while prohibitions on vehicular access to certain unpaved routes on public lands in accordance with the Proposed Plan would contribute to reducing PM10 levels in the Coachella Valley, such restrictions result in some level of adverse impact to OHV recreation assuming the routes to be closed are used for recreational purposes. Mitigation of these impacts to OHV recreation by providing other or additional routes for use on public lands in the Coachella Valley would (1) be contrary to reducing PM10 levels, and (2) require the development of new roads on public lands or the opening of routes already closed under previous plan amendments for the protection of resource values.

Through the CDCA Plan Amendment for the Coachella Valley, BLM has endeavored to balance the need for reduction of PM10 emissions and protection of habitats for sensitive wildlife species with the needs of the public for motorized and non-motorized recreation. Relative to motorized recreation, BLM does not propose to close all routes on public lands, though doing so would further contribute to reducing PM10 levels in the Coachella Valley. Under the Proposed Plan, 47 miles of routes, out of the total 73 miles of currently available routes on public lands within the planning area (excluding the NECO Plan overlap area), would be open to travel to meet the need for off-highway vehicle travel and access. This is in addition to the hundreds of miles

of routes and OHV opportunities on public lands outside the Coachella Valley planning area (Section 3.4, Recreation: Regional OHV Opportunities). The BLM has also made efforts to cooperate with Riverside County and the State to pursue options to acquire appropriate lands to develop OHV play areas or parks in areas where such uses would not substantially impact sensitive species or other natural or cultural resources. In a broad sense, BLM has proposed actions to maintain a balance between the need to “preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice,” and “permit a wide sharing of life’s amenities” (Title I, Sec. 101 of NEPA).

PC 024: Earlier written or verbal comments between Sierra Club and BLM regarding the Plan Amendment, including electronic mail messages, are incorporated by reference. (J. Taylor / Sierra Club)

Response: The relationship of the comments to the alternatives and analysis in the DEIS cannot be assessed without some specific information regarding subject and content (40 CFR 1503.3). Public comments received during the six-year public scoping period were considered in the development of the Draft Coachella Valley CDCA Plan Amendment and DEIS (40 CFR 1501.7).

PLANNING CRITERIA / CONSIDERATIONS

PC 025: The CDCA Plan Amendment for the Coachella Valley unreasonably addresses 31 species that are not on any endangered species list as if they were already listed and they might someday be threatened or endangered. (R. Denner / California Desert District Advisory Council)

Response: Of the 31 Special Status Species addressed in the CDCA Plan Amendment for the Coachella Valley, 10 are listed under the Federal Endangered Species Act (1973) as threatened or endangered, and one was proposed for listing at the time the plan was prepared. The remaining 20 species are Special Status Species that are being addressed in the Coachella Valley Multiple Species Habitat Conservation Plan and are considered species at risk for extinction as the human population increases in the Coachella Valley. BLM is required to prevent future listings whenever possible (BLM Manual 6840) and is taking steps to address the conservation needs of these species in this Plan Amendment. Similarly, local governments are seeking to design a conservation plan to address all the special status

species in order to provide greater certainty for conservation and land uses in the valley over the long term.

PC 026: Since the Plan Amendment is being driven by the settlement agreement struck by BLM and the Center for Biological Diversity to end their Endangered Species Act litigation, the proposed plan should only address those issues implicated in that litigation, i.e., the purpose should be to determine whether the current CDCA Plan creates unacceptable impacts on listed species found on BLM lands in the Coachella Valley. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The planning process was initiated in 1996, well before any lawsuit activity. The relationship of this Plan Amendment to the Center for Biological Diversity, et al. lawsuit settlement is addressed in Section 1.6.3.

PC 027: The CDCA lawsuit stipulation provisions (Center for Biological Diversity et al. v. BLM, Case No. C-00-0927 WHA, U.S. District Court, Northern District of California, San Francisco Division), at a minimum should be continued through this plan. (D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: The alternatives and analysis in the plan amendment are based on issues developed through public scoping, input from a Science Advisory Committee and other scientists, interdisciplinary staff review, coordination and consultation with local governments and Tribes, and an orderly process conducted over a six year period. In contrast, the lawsuit stipulations were developed quickly as short term, interim measures through a settlement process, and may not be appropriate as proposed planning decisions. The relationship of this Plan Amendment to the Center for Biological Diversity, et al. lawsuit settlement is addressed in Section 1.6.3.

PC 028: Section 3.8.1, Native Biological Resources—last paragraph on page 3-39, needs to be revised to reference all State listed threatened and endangered species within the CDCA planning area because not all State listed species occur in this area. (G. Black / California Department of Fish and Game)

Response: The Environmental Impact Statement has been revised to reflect the suggested addition.

PC 029: The CDCA Plan Amendment for the Coachella Valley should better emphasize the protection of native plants and wildlife as a

paramount obligation. This responsibility is acknowledged in the Draft Environmental Impact Statement, which includes the recovery of federal and state listed species and avoiding future listings of sensitive species. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: The CDCA Plan Amendment for the Coachella Valley emphasizes the protection of native plants and wildlife by the following.

1) Habitat Conservation Objectives for 8 habitat types are established. In each of these habitat types, additional disturbance/habitat loss would be limited to 1% of the total area. This is consistent with the goals of the Coachella Valley Multiple Species Habitat Conservation Plan and illustrates BLM's commitment to conservation in the Coachella Valley.

2) Chapter 4, Environmental Consequences, addresses the impacts of the alternatives to 31 sensitive species, 10 of which are listed under federal or state law, and one that is proposed for listing under the Federal Endangered Species Act.

3) Under the Proposed Plan, future development of industrial uses on BLM managed lands would be restricted to areas already designated for such use, i.e., existing windparks, communication sites, and sand and gravel mining. This would prevent additional development in sensitive areas and would provide protection for listed species while also preventing future listings.

4) The monitoring and adaptive management program described for the Coachella Valley Multiple Species Habitat Conservation Plan would be adopted by BLM and implemented concurrent with the CVMSHCP, thus ensuring a consistent approach across the landscape and providing a feedback loop to indicate whether conservation goals and objectives are being achieved.

PC 030: The document should include a statement that the boundary of the Santa Rosa and San Jacinto Mountains National Monument includes lands owned by the California Department of Fish and Game and California State Parks, and the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 does not alter or have jurisdiction over the management of these lands or those owned by other non-federal jurisdictions. (G. Black / California Department of Fish and Game)

Response: Section 1.5, Relationship to Other Plans, states that the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 created a 272,000-acre national monument establishing the management direction for BLM and Forest Service managed public lands. Through the National Monument Management Plan, management prescriptions will be developed that are applicable only to BLM and Forest Service

lands. Although this Plan will be developed in coordination with California Department of Fish and Game and California State Parks, management actions will not be applicable to lands managed by the State. Section 1.5 has been revised in response to this comment.

PC 031: A discussion regarding how plan goals common to all alternatives were developed is lacking. (G. Black / California Department of Fish and Game; V. Bradshaw / Imperial Irrigation District)

Response: Section 2.2 has been revised to provide additional explanation.

PC 032: Section 3.2.1, Coachella Valley Roadways—Rail Service, should include the old Kaiser Mine/Eagle Mountain railroad that is now active and proposed to transport trash from Highway 111 to the Eagle Mountain landfill. (G. Black / California Department of Fish and Game)

Response: Section 3.2.1 has been revised to reflect the status of the Eagle Mountain railroad right of way.

PC 033: Without California Environmental Quality Act (CEQA) compliance, California Department of Fish and Game may not concur on compensation mitigation for species addressed in the CDCA Plan Amendment. (V. Bradshaw / Imperial Irrigation District)

Response: This CDCA Plan Amendment has no jurisdiction over private or State lands, only BLM-managed Federal lands. As such, BLM is not required to seek concurrence from CDFG on compensation mitigation for species addressed in the CDCA Plan. Nonetheless, BLM will continue its commitment work cooperatively with CDFG on acquisition of sensitive habitats.

PC 034: In Section 1.6, Planning Criteria, the Plan Amendment fails to cite the Peninsular Ranges bighorn sheep recovery plan as one of the policy documents guiding the Plan Amendment and Environmental Impact Statement. (J. Taylor / Sierra Club)

Response: The Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000) is cited in Section 1.5, Relationship to Other Plans, of the Draft Environmental Impact Statement. BLM acknowledges and explains therein that certain recommendations identified in the Recovery Plan are directly related to the Plan Amendment. Further, Section 2.4.20, Recovery Strategy for Peninsular Ranges Bighorn Sheep, indicates that the alternative recovery strategies were based on guidance provided in the Recovery

Plan. Both Sections of the CDCA Plan Amendment also recognize that recommendations in the Recovery Plan are advisory and exempt from review under the National Environmental Policy Act.

HABITAT CONSERVATION OBJECTIVES

PC 035: Other than a map of general habitat types, the section of the CDCA Plan Amendment addressing conservation objectives (pages 2-9 and 2-10) provides no further information regarding which sensitive, threatened, or endangered species occur within the habitat types, where these species are located, what percentage of historic habitat is represented, whether or not the habitat is viable or fragmented, and what existing or proposed land uses occur or would occur within these habitat types. Specifics on which to judge conservation objectives, special area designations, and so forth are lacking. (J. Taylor / Sierra Club)

Response: Species accounts have been added in Appendix E. Additional information on habitat types, species distribution, and conservation objectives has been provided in the Final Environmental Impact Statement.

MULTIPLE USE CLASSES / VISUAL RESOURCE MANAGEMENT (VRM)

PC 036: Under Alternatives A, B and C, the southern half of Section 1, T2S R3E would be designated as Limited Use and Visual Resource Management Class 2. These designations are inappropriate because of the presence of an existing right-of-way, the use of a road that requires periodic grading, the use of the area for parking and camping, and the presence of Southern California Edison's high-voltage utility line that requires maintenance. Multiple Use Class M (Moderate Use) and VRM Class 4 would allow the current uses to continue while still conserving desert resources. (S. Mascaro)

Response: Multiple-Use Class L (Limited Use) areas are managed to provide lower-intensity, carefully controlled multiple use of resources while ensuring that sensitive values are not significantly diminished. Rights-of-way, graded roads, motorized recreational uses along approved routes, and energy transmission facilities are not prohibited in Class L areas.

The Visual Resource Management (VRM) system is an analytical process that identifies, sets, and meets objectives for maintaining

scenic values and visual quality. VRM classes describe the different degrees of modification desired in the basic elements of the landscape. In determining the appropriate VRM class for a particular area, consideration is given to cultural modifications, or existing facilities, as well as characteristics of the natural setting. In other words, current uses of public lands (such as rights-of-way, graded roads, and energy transmission facilities) are integrated into the determination of a VRM class; these existing uses would not be disallowed based upon designation of any particular VRM class. Once the VRM class has been determined, the VRM process is generally employed to analyze effects and design mitigation to meet VRM class objectives when *new* uses of the public lands are proposed.

PC 037: The Plan Amendment fails to assign Visual Resource Management classes to the Mecca Hills and Orocopia Mountains Wilderness Areas, and Joshua Tree National Park. (J. Taylor / Sierra Club)

Response: The eastern portion of the planning area for the Coachella Valley CDCA Plan Amendment overlaps the planning area for the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) which did not assign Visual Resource Management (VRM) classes to public lands. Likewise, the Coachella Valley CDCA Plan Amendment does not assign VRM classes to public lands in the overlap area.

Notwithstanding, all wilderness areas (including the Mecca Hills and Orocopia Mountain Wilderness Areas) are automatically managed in accordance with VRM Class 1 guidelines. Where VRM objectives have not been approved through a resource management plan and when a project for use of the public lands is proposed, interim objectives are established using the guidelines set forth in BLM Manual Section 8410. VRM Class 1 is applied to all wilderness areas.

BLM has no jurisdiction for managing visual resources on lands managed by the National Park Service in Joshua Tree National Park. Therefore, VRM classes are not proposed for Park lands through BLM's Coachella Valley Plan.

NATIONAL WILD AND SCENIC RIVERS

PC 038: The document does not clearly indicate whether rivers on BLM lands are eligible for Wild and Scenic River designation. If there are eligible segments on public lands, it is not clear whether they will be designated as Wild and Scenic Rivers pursuant to the Plan

Amendment. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

PC 039: All eligible segments should be added to the National Wild and Scenic River System. (J. Morgan / Sierra Club)

Response: Section 2.4.1, Wild and Scenic Rivers, Figure 2-1, and Appendix B, Wild and Scenic Rivers, identify river segments on BLM-managed lands that have been determined eligible for potential designation as National Wild and Scenic Rivers. Section 3.1.3, Wild and Scenic Rivers, indicates that once eligibility has been established, a determination of a river segment's suitability or non-suitability as a Wild and Scenic River is required. River segments determined eligible for designation may or may not be deemed suitable for designation. If suitability determinations are not made through the resource management planning process, as is the case with river segments determined eligible through the Coachella Valley Plan, a separate Environmental Impact Statement is required as part of a separate reporting package (and plan amendment) to make the suitability determinations. In the interim, eligible rivers are managed to protect their Outstandingly Remarkable Values. Designation of suitable river segments as National Wild and Scenic Rivers is made by Congress.

PC 040: Section 4.1.1.2, Wild and Scenic Rivers—Peninsular Ranges Bighorn Sheep Recovery Strategy, does not explain how Alternatives A, B and C would help conserve outstanding remarkable wildlife values in Palm Canyon related to Peninsular Ranges bighorn sheep. Also, no explanation is provided in Chapter 2. (G. Black / California Department of Fish and Game)

Response: An eligibility determination for designation as a Wild and Scenic River status requires the free-flowing characteristics and outstandingly remarkable values of the stream channel be protected on BLM-managed lands pending completion of a suitability determination. In the interim, activities would not be approved that would adversely impact Peninsular Ranges bighorn sheep. The Final Environmental Impact Statement has been strengthened to clarify this matter.

PC 041: An explanation of the differences between Wild and Scenic River designations of “wild” versus “recreational,” and “wilderness” versus “non-wilderness” should be provided. (G. Black / California Department of Fish and Game)

Response: Appendix B, Wild and Scenic Rivers, describes the differences between wild river areas, scenic river areas, and recreational river areas as referenced in Table 2-1, Section 2.4.1, under the column

heading “Tentative Classification.” The reference to “wilderness” and “non-wilderness” in Table 2-1 under the column heading “Length (miles, BLM lands only)” indicates the total length of river segments in designated wilderness (in this instance, the San Geronio Wilderness Additions) and the length of river segments outside designated wilderness (“non-wilderness”).

PC 042: Segments of the main stream in Palm Canyon that continue onto the Agua Caliente Reservation may not be eligible or suitable for recommendation as a Wild and Scenic River. It is the intent of the Agua Caliente Tribe to manage streams in Palm Canyon consistent with both the Indian Canyons Master Plan and the Cooperative Management Agreement with the BLM. (M. Park / Agua Caliente Band of Cahuilla Indians)

Response: BLM would agree that management by the Agua Caliente Band of Cahuilla Indians has been supportive of maintaining the values of streams in Palm Canyon and appreciates the cooperative approach the Tribe has taken. Eligibility determinations made through the Coachella Valley Plan for potential designation of National Wild and Scenic Rivers are applicable only to BLM-managed lands. Contiguous river segments on non-public lands would be addressed through a subsequent suitability determination in coordination and collaboration with the local landowners. A separate Environmental Impact Statement (and plan amendment) would be required to make the suitability determinations. BLM management efforts will continue to be developed and implemented in consultation and coordination with the Indian Canyons Master Plan, the Tribal Habitat Conservation Plan and the Cooperative Management Agreement.

PC 043: The document suggests that the Wild and Scenic River values of BLM-managed lands in Palm Canyon could be threatened by uncontrolled motor-vehicle intrusion, yet does not provide evidence that current motor-vehicle use is degrading these values, thereby requiring more controls, including the elimination of casual motorized-vehicle use in Dry Wash. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: One of the identified Outstandingly Remarkable Values in Palm Canyon is the presence of archaeological sites significant to the Cahuilla Indians. Sites that are eligible for listing on the National Register of Historic Places occur within Palm Canyon and are adjacent to or bisected by existing routes. Uncontrolled motor-vehicle intrusion increases the risk of erosion, access by looters, breakage and displacement of artifacts, and disruption of archaeological sites.

Vehicle tracks, which originated from the Dry Wash road, have been observed to lead to and across significant archaeological sites in Palm Canyon.

PC 044: Data are not provided to substantiate the claim that no substantive impacts on recreation would result from designation of BLM-managed river segments as Wild and Scenic Rivers. Further, the document states that protective management measures will likely be required at Whitewater Canyon, Mission Creek, and Palm Canyon. These protective measures and their impacts on recreation should be clearly described in the Environmental Impact Statement. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Section 4.4, Recreation, states that *determinations of eligibility*, not *designation*, of certain BLM-managed river segments as Wild and Scenic Rivers would result in no substantive impacts to recreation. Suitability determinations and associated Environmental Impact Statements to be prepared at a later date will address potential impacts consequent to the designation of Wild and Scenic Rivers.

Section 2.4.1, Wild and Scenic Rivers, references Appendix B for a description of protective management measures pending suitability determinations. Table B-3, Appendix B, identifies such measures.

PC 045: As the plan addresses wetland areas, riparian habitats, and wild and scenic rivers, consideration should be given to the potential for mosquito breeding in those areas and the spread of diseases such as Western Equine Encephalitis and West Nile Virus. (D. Gonsi / CV Mosquito and Vector Control District)

Response: This comment has been addressed and included in the Plan in Table 2-8: Policy and Management Guidance for Plan Implementation, located in Section 2.6, Plan Implementation.

WILDERNESS

PC 046: The identification of potential new wilderness areas and wilderness study areas is not addressed despite there being many thousands of acres of wilderness quality lands within the planning area. Of particular interest is the Big Morongo Canyon Area of Critical Environmental Concern and BLM lands adjacent to the southern boundary of Joshua Tree National Park. (A map was provided to BLM identifying a proposed wilderness boundary

**encompassing public lands in the Big Morongo Canyon ACEC.)
(J. Morgan / Sierra Club)**

Response: Inventory of potential wilderness areas was not identified by the public as an issue during the six-year scoping process for the CDCA Plan Amendment. Future plan amendments may include inventories for potential wilderness.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACECs)

PC 047: The Upper Mission Creek area should be designated as an Area of Critical Environmental Concern to provide a greater level of protection and preservation to this unique area. It would link the existing Whitewater and Big Morongo ACECs thereby preserving a regional wildlife corridor. (J. Morgan / Sierra Club)

Response: The portions of the proposed ACEC known to provide important wildlife habitat meeting the relevance criteria are already within designated wilderness. As a result, they already receive a high level of conservation emphasis. Connectivity between public lands at Big Morongo ACEC and the San Geronio Wilderness already exists under present designations; the public lands within the expanded ACEC proposal (Mesa Wind Park vicinity) are not expected to significantly improve or enhance connectivity.

PC 048: The Coachella Valley Preserve is in the wrong place as the majority of blow sand is south of Interstate 10 with the exception of the east part of the Preserve where sand is blowing into Sun City. Two studies show that more sand will blow into Sun City from the Preserve than will ever blow into it from the other end. Therefore, restricting development in Thousand Palms is not the solution to get more sand into the Preserve. (N. Madson)

Response: Sand transport to the Preserve, located west of Washington Street and north of Interstate 10, results from both fluvial processes (by water) along the alluvial fans as well as Aeolian processes (by wind)

along the toe of fans within the wind corridor. The main preserve is located immediately downstream of the Thousand Palms Canyon mouth and receives a significant amount of fluvial sediments during summer and winter storms (U.S. Army Corps of Engineers 1996). Although the majority of blow sand is deposited south of Interstate 10, fluvial, or water-born, sediment transport continues to supply the Preserve with sand.

BLM has not proposed to restrict development in Thousand Palms because BLM does not make decisions related to private land.

PC 049: To maintain sand within the Coachella Valley Preserve and keep it from blowing into Sun City, barriers should be put up on the east side. Collected sand should then be transported to the west side where it can blow into the Preserve and create fresh dunes. (N. Madson; T. Kay)

Response: There are no BLM-managed lands in that part of the Preserve. However, this issue is being addressed in the Coachella Valley Multiple Species Habitat Conservation Plan.

PC 050: More physical groundwork needs to be done before reclassifying any areas. (S. Mascaro)

Response: Land use classifications proposed in this Plan Amendment are based on existing classifications or as changes consistent with changing conditions and/or circumstances. Resource specialists working for BLM, Riverside County, or other Federal, State, and local agencies have recommended these proposals based on their work and familiarity with the resources and issues in these areas.

PC 051: Regarding the potential Upper Mission Creek Area of Critical Environmental Concern, Table 3-2 on page 3-5 does not match the information provided in Figures 2-6a or 2-6b. In particular, the table identifies Sections 2 and 11 as potential habitat for the Southwestern willow flycatcher, Least Bell's vireo, yellow breasted chat, yellow warbler, and summer tanager, yet these do not appear in Figure 2-6b as included in the potential ACEC. Further, it is unlikely that these sections constitute breeding areas given their vegetative composition: Section 2 is a dry wash with an occasion surface stream, and Section 11 has a small dry wash with gradual sloping hills with a southeastern exposure. If Table 3-2 was actually referring to the south half of Section 1 and all of Section 12, it is possible that Section 12 could be breeding habitat, but the south half of Section 1 has a couple of small

southern facing canyons and does not constitute breeding habitat. (S. Mascaro)

Response: The Final EIS has been revised to correct Table 3-2. Surveys conducted in 2000 indicate that this area is probably not suitable breeding habitat for Least Bell's vireo and southwestern willow flycatchers, although it may provide migratory habitat. The document has been revised accordingly.

PC 052: In Section 2.1.3.16, it is proposed that the expanded area of the Dos Palmas Area of Critical Environmental Concern be designated "closed" to motorized vehicles under the preferred alternative. This conflicts with the preferred alternative in Section 2.1.3.8 where it is proposed that existing ACEC boundaries remain unchanged. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised in response to this comment. In Section 2.4.16, the reference to the expanded area of Dos Palmas ACEC has been deleted from the Proposed Plan. Under the Proposed Plan, Big Morongo Canyon ACEC and Dos Palmas ACEC would remain closed to casual motorized-vehicle access.

PC 053: Section 3.1.1, Existing Land Use Designations, should disclose that over the last 10 years the desert tortoise population in the Chuckwalla Bench Area of Critical Environmental Concern has declined sharply due to shell disease. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Tortoise populations have declined during the last ten years in the Chuckwalla Bench ACEC. Chuckwalla Bench ACEC is in the overlap area of the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan) and decisions in that region were developed through the NECO planning process. The Coachella Valley Plan does not propose any management decisions for the Chuckwalla Bench ACEC beyond maintaining those developed through the NECO Plan amendment. Chapter 3 has been revised in the Final EIS to reflect this information.

PC 054: The Plan Amendment indicates in Section 3.1.2, Potential Areas of Critical Environmental Concern, that none of the three potential ACECs (Dos Palmas, Upper Mission Creek, and Coachella Valley) currently meet the relevance criteria set by 43 CFR 1610.7-2(a). It is not clear whether the BLM does not, at this time, intend to

designate these three areas as ACECs as part of this Plan amendment. The steps BLM intends to take toward establishing ACECs in these locations in the future should also be identified. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Whereas Section 3.1.2, Potential Areas of Critical Environmental Concern, indicates that relevance cannot be established at this time for BLM-managed lands within the potential Upper Mission Creek ACEC and potential Coachella Valley ACEC (Subsections 3.1.2.2 and 3.1.2.3, respectively), it states that relevance cannot be established at this time for the potential Dos Palmas ACEC *expansion area* (Subsection 3.1.2.1), not the existing Dos Palmas ACEC. Section 2.1.3.8 (Draft EIS), Special Area Designations, describes under “Preferred Alternative (A)” that existing ACEC boundaries would remain unchanged. This proposal is carried forward into the Proposed Plan (see Section 2.4.8).

Section 3.1.2 indicates that relevance cannot be determined at this time for these three areas because field surveys to verify the presence of identified species have not been conducted. Should future field surveys indicate the species’ presence, BLM may reconsider relevance and importance determinations. If relevance and importance are established in accordance with 43 CFR 1610.7-2(a), designation of these areas as ACECs would require an amendment to the CDCA Plan.

WILDLIFE HABITAT MANAGEMENT AREAS (WHMAs)

PC 055: It is not demonstrated that the potential Coachella Valley Wildlife Habitat Management Area coincides with the U.S. Fish and Wildlife Service’s proposed CVMSHCP reserve design. The Plan Amendment’s language is ambiguous and the maps are inadequate in this regard. (J. Taylor / Sierra Club)

Response: The proposed Coachella Valley Wildlife Habitat Management Area does coincide with the reserve design proposed in the Coachella Valley Multiple Species Habitat Conservation Plan, as developed by the Coachella Valley Association of Governments in coordination and consultation with the U.S. Fish and Wildlife Service and California Department of Fish and Game.

FIRE MANAGEMENT

PC 056: The designation of public lands around Section 35, T1S R3E, as Fire Management Category B will severely limit prescribed burns. Due to increased public access in this area, BLM should be more open to all fire preventative practices. (S. Mascaro)

Response: Under category B, prescribed fire may be utilized as a resource management tool in very select situations (Section 2.4.7, Fire Management). The use of fire is not precluded.

PC 057: Section 4.1.8, Biological Resources—Fire Management Categories, should acknowledge that a program to remove non-native grasses may be accomplished without prescribed burns, and that non-native grasses are considered a threat to desert communities as they provide flash fuel for fires in communities that are not adapted to fire. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised accordingly.

EXOTIC WEEDS AND PESTS

PC 058: The Plan Amendment writes in very general terms in noting the consequences of many introduced pest plants. The plan should elaborate on the effects of exotic plant infestations and the importance of their removal, and address some type of streamlined permit process to accomplish this. (B. Crites / City of Palm Desert)

Response: BLM concurs with the importance of addressing the adverse effects of exotic plant infestations. The literature on the effects of noxious and invasive plants is voluminous and well known. The effects of specific weeds vary greatly depending upon the species, cause of invasion, soil type, and the native community it has invaded. Few dispute the negative effects, and vegetation treatments for exotic plants were the subject of BLM's statewide Environmental Impact Statement and Record of Decision in 1988. That policy is currently under review nationwide and is expected to be the subject of additional future analysis. Under existing BLM guidance, weed control projects are normally handled at the activity level. "Streamlining" is normally accomplished by addressing environmental analysis and required consultation through a "programmatic" approach. This approach has been applied in some cases, especially for tamarisk control. However,

the process for formulation and approval of weed treatment projects needs to be carefully considered in terms of methods, objectives and potential unintended effects. A permit is not required in all cases, but coordination regarding noxious weed removal projects is taking place among BLM, other agencies, Indian tribes and non-governmental groups to eradicate noxious weeds.

PC 059: The potential environmental consequences of spreading tamarisk through seeds that are picked up where tamarisk is planted along railroad tracks as a windbreak needs to be addressed relative to the proposal to transport trash from Highway 111 to the Eagle Mountain landfill via the old Kaiser Mine/Eagle Mountain railroad line that is now active. (G. Black / California Department of Fish and Game)

Response: The CDCA Plan Amendment for the Coachella Valley does not contain decisions relevant to the Eagle Mountain landfill project.

PC 060: The last paragraph in Section 3.8.2, Exotic (Non-native) Weeds and Pests, should include major pest species found in the area, such as fountain grass, tamarisk, aquatic turtles, centrarchid fish (in certain ponds), and apple snails. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to reflect this additional information.

CULTURAL RESOURCES

PC 061: Pursuant to Section 110 of the National Historic Preservation Act, BLM is required to identify and preserve historic properties. Historic properties are those cultural resources found to be eligible for listing on the National Register of Historic Places. Historic properties include trails. Certain trails in the Santa Rosa and San Jacinto Mountains that have been constructed, improved, and maintained are culturally significant to the settlement of the desert, to the Cahuilla Indians, and to the era in which Palm Springs was a mecca for cowboys and movie stars. Hence, they are eligible for listing on the National Register of Historic Places and should be preserved according to federal law. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: The trails in the Santa Rosa and San Jacinto Mountains have not been formally evaluated for eligibility for listing on the National Register of Historic Places (NRHP). The National Register Criteria for

Evaluation can be found at 36 CFR 60.4. Properties are evaluated according to the quality of their significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- (a) are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) are associated with the lives of persons significant in our past; or
- (c) embody the distinctive characteristics of a type, period or method of construction, that represent the work of a master, that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) have yielded or may be likely to yield information important in prehistory or history.

The issue of integrity is the first consideration, and trails that have been substantially altered may not retain the qualities which would support a determination of eligibility.

Until the trails can be formally evaluated, they are protected in two ways. Any specific federal undertaking, such as re-routing or maintenance of a trail on federal lands, is subject to analysis under NEPA and the National Historic Preservation Act (NHPA). In addition, the State Protocol Agreement of 1998 between the California State Director of the Bureau of Land Management and the California State Historic Preservation Officer states that “for management purposes, [the] BLM may assume the eligibility of a cultural resource or group of resources for inclusion in the National Register of Historic Places.” Federal agencies are responsible for the preservation of historic properties which are owned or controlled by the agency and are required to treat eligible sites with the same respect as sites already listed on the National Register. Potential impacts to the trails, which are brought to the agency’s attention, will be evaluated for whether they constitute an adverse effect to the properties.

MINERAL RESOURCES / GEOLOGY / SOILS

PC 062: Attention should be paid to mosquito breeding where water occurs in sand and gravel mines. (D. Gomsí / CV Mosquito and Vector Control District)

Response: There are three active sand and gravel mines on BLM land in the planning area. The maximum depth of mining at all of these mines is

planned to be above the local groundwater table, so that water will not be exposed in the open pits. For example, the mining plan for the A-1 Aggregates sand and gravel mine located on Dillon Road in the west Berdoo Canyon area indicates a maximum pit depth of 90 feet. The depth to groundwater at this mine site, based on an onsite water well, is at a depth of 360 feet. In addition, the sand and gravel materials exposed in the pits are permeable with high infiltration rates. This condition will result in little if any standing water after periods of precipitation. Therefore, mosquito breeding is not anticipated to be an issue at the sand and gravel mines in the planning area. Also, see Policy and Management Guidance for Plan Implementation, located in Section 2.6: Plan Implementation.

PC 063: The first sentence of the second paragraph of Section 4.1.3, Soils, Geology, Mineral and Energy Resources—Motorized-Vehicle Route Designations, should be clarified. (G. Black / California Department of Fish and Game)

Response: This sentence states that utilities and communication sites are generally not considered sensitive receptors for noise or other impacts associated with motorized vehicle use areas. This sentence means that noise from motorized vehicle use areas is not expected to impact utility and communication sites or people at those sites, in comparison with sensitive receptors such as residential areas or nursing homes.

PC 064: In Section 4.1.7, Water Resources/Quality—Sand and Gravel Mining, BLM indicates that additional mitigation measures may be required to minimize impacts to water resources and hydrologic processes in the event that sand and gravel mining facilities are developed within conservation areas. BLM should be more specific about the types of mitigation measures that would potentially be considered. (L. Hanf / U.S. Environmental Protection Agency)

Response: Example mitigation measures have been incorporated into Section 2.6 of the document. Mitigation measures that may be required to minimize impacts to water resources and hydrologic resources from sand and gravel mining operations in a conservation area would be developed on a site-specific basis, in order to be responsive to the nature of the mining project. Some specific types of mitigation measures that might be applied for water resources and hydrology would include setting maximum pit depth above maximum anticipated groundwater levels, location of mining pits outside of active watercourse channels, and/or reduction of pit slope angles on active alluvial fans to reduce upstream headcutting and erosion.

PC 065: In Section 4.1.3, Soils, Geology, Mineral and Energy Resources, the indication that OHV use causes soils erosion and must be properly regulated and monitored to reduce erosion impacts conflicts with the statement that OHV routes in the Coachella Valley are typically located within natural drainages or sand washes and are used on a very low frequency or level of intensity. Data regarding OHV impacts on soils in the Coachella Valley should be provided. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The referenced citation under Section 4.1.3, Soils, Geology, Mineral and Energy Resources: Motorized Vehicle Area Designations (Section 4.3 in the Final EIS), reads “As with other activities with the potential to induce soil erosion and associated impacts, such activities as off-highway vehicle use shall be properly regulated and monitored to reduce potential impacts to acceptable levels” (emphasis added). OHV routes occur on a variety of soils in the Coachella Valley. “The most recently laid sediments in the region are alluvial (stream-deposited) and eolian (wind-deposited) sediments. Eolian deposits are silty sand and fine and medium-grained sand fractions that are transported by strong, sustained winds emanating from the San Gorgonio Pass” (Section 3.3.1, Soils and Geology) indicating that this common type of soil in the Coachella Valley is easily transported and is susceptible to erosion.

Passage of motor vehicles does disturb and displace soil, and thus has the potential to induce soil erosion, particularly on Aeolian sediments which have high potential to be eroded. The statement under Section 4.3 correctly indicates that OHV use has the potential to induce soil erosion and BLM has the obligation under 43 CFR 8342.1 to “minimize damage to soil, watershed, vegetation, air or other resources of the public lands.”

PC 066: In Section 4.1.8, Biological Resources: Motorized-Vehicle Area Designations, the document claims that under Alternative B 1,040 acres of public land in the Drop 31 OHV open area would be exposed to accelerated soil erosion and native vegetation loss, but does not include data supporting this claim. Site-specific data regarding net soil loss at OHV use areas should be compiled and analyzed, including a comparison of soil loss at OHV areas to soil loss at low use sites (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: “The most recently laid sediments in the region are alluvial (stream-deposited) and eolian (wind-deposited) sediments. In the vicinity of the Salton Sea, they consist of fine clay that is probably lacustrine (lake) in origin” (Section 3.3.1, Soils and Geology). The fine clay “mud-hills” at Drop 31 do show evidence of erosion where current OHV use, particularly hill climbing, is occurring. Designating this site as an OHV open area is expected to attract additional use that would not be confined to established trails, and that additional use would accelerate soil erosion. Thus Drop 31 is proposed for managed vehicle recreation use using a designated trail system under the Proposed Plan, rather than designation as an OHV open area. This represents a change from the preferred alternative in the Draft Environmental Impact Statement.

PC 067: In Section 4.1.8, Biological Resources: Motorized-Vehicle Area Designations, the document claims that under Alternatives A and D 3,800 acres of public lands would be available for open OHV use, and would be exposed to accelerated soil erosion, native vegetation loss, crushing of native plants and animals, and crushing of burrows, but does not include data supporting this claim. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: See previous response (PC 066). Motor vehicle use disturbs and displaces soil and has the potential to increase erosion, crush vegetation, and crush animal burrows. The predominant soils in the Coachella Valley are wind blown or lacustrine deposited sediments, and are easily eroded. Designating sites as OHV open areas is expected to attract additional use, and that additional use would accelerate soil erosion, and impacts to native animals and vegetation. Areas receiving existing OHV use illustrate the effects described.

WATER RESOURCES / QUALITY

PC 068: Section 3.7, Water Resources/Quality—Surface Water, should acknowledge that surface water is present seasonally at some springs, and that surface water is present in palm oases and artificial ponds at Dos Palmas. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised accordingly.

PC 069: Groundwater levels are dropping throughout the Coachella Valley despite efforts to recharge the aquifers. BLM discusses stream

channel size, appropriate soils for geology, and maintaining water courses on page 2-7. BLM should acknowledge that as these water courses get covered up with development, recharge of the groundwater becomes more difficult. (J. McKeever)

Response: Covering water courses with facilities or developments that do not allow percolation can make groundwater recharge more difficult. However, most recharge of Coachella Valley aquifers occurs on the upper reaches of alluvial fans and drainages, or in areas with percolation ponds, such as in the Whitewater River channel west of Palm Springs. Natural rainfall levels at the Coachella Valley floor are quite low.

PC 070: Since a stated goal is to maintain hydrologic conditions, it is assumed that the water diversion that has existed in Section 15 (T2S R3E) since April 9, 1932, which has established an ecosystem that is entirely dependent on this water, will not be affected. (P. Adelizi / Whitewater Trout Company)

Response: The subject water diversion is located on public lands within the San Geronimo Wilderness Additions, established by the California Desert Protection Act (Public Law 103-433, October 31, 1994). Subject to valid existing rights, each wilderness area designated under Section 102 of the Act shall be administered in accordance with the provisions of the Wilderness Act (CDPA, Section 103). Section 4(D)(7) of the Wilderness Act (Public Law 88-571, September 3, 1964) states, "Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws."

The subject water diversion also occurs on a public land river segment determined eligible for potential designation as a National Wild and Scenic River (see Section 2.4.1, Wild and Scenic Rivers, Figure 2-1, and Appendix B, Wild and Scenic Rivers). Section 13(b) of the Wild and Scenic Rivers Act (Public Law 90-542, October 2, 1968) states, "The jurisdiction of the States and the United States over waters of any stream included in the national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws."

The Coachella Valley Plan does not address adjudication of water rights under State water laws, and does not propose removal or modification of the subject water diversion.

AIR QUALITY

PC 071: Establishment of OHV open areas at Drop 31 and near Dillon Road would violate the State Implementation Plan to reduce PM10 levels in the Coachella Valley. (J. Taylor / Sierra Club)

Response: The proposed CDCA Plan Amendment and Technical Appendix C, Air Quality, were reviewed by staff at the South Coast Air Quality Management District (SCAQMD), including those portions which address provisions of facilities for OHV use. As cited in the Draft Plan Amendment, Drop 31 was proposed for location downwind from sensitive receptors. Operation and management would be coordinated with SCAQMD. While establishment of an OHV open area at Drop 31 is not incorporated in the Proposed Plan, vehicle recreation in the area would continue. Subsequent consideration of alternative OHV use areas will comply with the Coachella Valley PM10 State Implementation Plan of 2002, in consultation with SCAQMD.

PC 072: The Plan Amendment does not address dust emissions caused by Multiple-Use Class designations, route designations, and other special recreational designations affecting Joshua Tree National Park's Class I air. (J. Taylor / Sierra Club)

Response: Section 4.10 of the CDCA Plan Amendment clearly states that activities permitted under the Plan will need to demonstrate compliance with the Coachella Valley PM10 State Implementation Plan, performance criteria and control strategies. Many of these criteria and strategies are set forth in Appendix C, Air Quality, of the Plan, and include site watering, chemical stabilization, fencing, revegetation, track-out prevention methods, and other control strategies and methods. Section 4.10 of the Plan clearly states that lands with a Multiple-Use Classification are subject to review and compliance with NEPA, the Federal Clean Air Act and the Coachella Valley PM10 State Implementation Plan. Required management strategies and methods are expected to preclude significant impacts to Joshua Tree National Park and other nearby lands. The proposed CDCA Plan Amendment and Technical Appendix C, Air Quality, were reviewed by staff at the South Coast Air Quality Management District (SCAQMD).

PC 073: The Plan Amendment does not identify the receptor sites that recorded the PM₁₀ exceedance from 1999 to 2001, nor does it identify the causes of these exceedances. Further, the compliance strategies of the Draft Implementation Plan do not call for a reduction of OHV use, thereby indicating that OHV recreation is not a major source of PM₁₀ in the Coachella Valley. If quantitative data suggest a contrary conclusion, it should be provided. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Section 3.10.2, Coachella Valley Portion of the CDCA Planning Area, identifies the two monitoring stations maintained by the South Coast Air Quality Management District in the valley. These are located in Palm Springs near the Palm Springs Airport and in the City of Indio within the urbanized areas of the that city. Sensitive receptors are basically areas where people will be affected which are intended to be represented by the monitoring sites referenced above.

There is a clear correspondence between disturbance of fluvial and aeolian deposited sand and soils and increased levels of fugitive dust (PM₁₀) from these source areas. On-going disturbance of these soils brings finer materials to the surface; these finer materials are then easily transported by wind. The net effect of recent temporary closures has been an unquantified reduction in fugitive dust from these areas. The consideration and proposed management of Drop 31 as compared with alternative sites clearly show concern for fugitive dust generation from OHV use areas and the need for effective control, including their location downwind of sensitive receptors.

PC 074: Section 3.5, Motorized-Vehicle Access: Motorized-Vehicle Route Designations, fails to describe the manner in which routes on the floor of the Coachella Valley are affected by the entire air basin's non-attainment status for PM₁₀, nor does it explain what restrictions, in any, apply to these routes due to air quality concerns. Further, the document does not describe quantitatively how much PM₁₀ is emitted by OHVs using the affected route network. BLM must support the air quality claims set forth in the Environmental Impact Statement with data showing what impacts, if any, OHVs have on the threshold velocity for wind erosion. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: As set forth in Section 3.5 of the Plan, a variety of analyses were conducted in assessing the inventory of routes on public lands, including a review of USGS topographic mapping, digital BLM mapping, digital imagery/aerial photography, and ground truthing of

digital route network coverage. BLM also consulted with the South Coast Air Quality Management District (SCAQMD) on associated air quality issues. Unpaved roads, including those motorized-vehicle routes located on BLM lands occurring on the valley floor, have been the subject of SCAQMD concern and management for several years. These routes have been included in fugitive dust assessments by the SCAQMD for more than a decade and are explicitly addressed with management strategies in the 2002 PM10 State Implementation Plan for the Coachella Valley.

Restrictions to the use of these routes are also set forth in Appendix C of the Draft CDCA Plan Amendment, which identifies applicable Coachella Valley Best Available Control Measures (BACM) that must be applied to unpaved roads. These include application of dust suppressants, signage and speed control devices, paving and other control methods. The SCAQMD has estimated that speed limit controls on unpaved roads can reduce fugitive dust emissions from this source by 50 percent (see footnote no. 5 of Appendix C). Also please see the response to the previous comment (PC 073).

PC 075: The Environmental Impact Statement in Section 3.10.2, Air Quality: Coachella Valley Portion of the CDCA Planning Area, fails to describe in quantitative terms the emissions created by each of the sources listed, including how much PM-10 is caused by OHVs traveling on unpaved roads. Monitoring data relative to PM-10 caused on OHVs should be furnished. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The South Coast Air Quality Management District has prepared inventories of PM10 sources in the Coachella Valley. The 1995 inventory indicates that off-road vehicle use directly generates approximately 0.02 tons of PM10 emissions per day in the form of vehicle emissions. This represents about 7.7% of "Other Mobile Sources." PM10 emissions associated with entrained dust on unpaved roads and from windblown dust off of unpaved roads are estimated to be substantially higher. Emissions generated by the entrained dust on unpaved roads are estimated to generate approximately 5.44 tons per day on an annualized average basis. Windblown dust generated from unpaved roads is estimated to be 4.21 tons per day on an annual average basis, while individual 24-hour emissions from this source are as high as 307.3 tons per day. These numbers represent 8.6% and 13.3% of the total of "stationary sources." Both direct mobile emissions and indirect point source and area source emissions associated with off-road vehicles and unpaved roads constitute a substantial contribution to overall PM10 emissions. (Source: Final

2002 Coachella Valley PM10 State Implementation Plan: A Supplement to the 1996 Coachella Valley PM10 Attainment Redesignation Request and Maintenance Plan. Prepared by the South Coast Air Quality Management District, June 25, 2002)

PC 076: In Section 3.10.3, Air Quality: Current Regulatory Status in Coachella Valley, the document indicates that the Indio monitoring site registered exceedances of the PM-10 annual average standard from 1999 through 2001. The contributing causes of these exceedances should be ranked, it should be indicated whether emissions from unpaved OHV routes contributed to these exceedances; routes contributing to the exceedances should be identified. The other sites at which special monitoring occurred to confirm that PM-10 standards are exceeded throughout the Coachella Valley should be identified, and emissions data from each site should be provided. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Please see the response to the previous comment (PC 075). The contributing causes categorized in 1996 have been used in the 2002 Coachella Valley PM10 State Implementation Plan (SIP). Please see Table 3-1 of the Final 2002 Coachella Valley PM10 SIP (Source: Final 2002 Coachella Valley PM10 State Implementation Plan: A Supplement to the 1996 Coachella Valley PM10 Attainment Redesignation Request and Maintenance Plan. Prepared by the South Coast Air Quality Management District, June 25, 2002). Contributions to PM10 exceedances of State and Federal standards from individual routes are not provided and are assumed to be impractical. The monitoring sites used are the Indio Station in the urbanized area of Indio and the Palm Springs Station at the Palm Springs Airport. A table with PM10 data sets for the Indio and Palm Springs monitoring stations has been added at the end of Appendix C, Air Quality.

PC 077: The Environmental Impact Statement does not include monitoring data showing how much PM10 is resuspended as a result of OHV use in OHV “open” areas under Alternatives A and D, nor does it identify the downwind sensitive receptors and indicate how close they are to the OHV sites. The document should also provide a “wind-rose” to indicate the strength and direction of the prevailing winds. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The Proposed Plan does not designate an OHV open area in the Coachella Valley and concentrated areas of vehicle-based recreation

on public lands are generally located downwind at the east end of the valley. Sensitive receptors can be generally characterized as urbanized areas where population densities place a meaningful population at risk of exposure to harmful levels of PM₁₀. The Drop 31 site was selected due to the lack of downwind sensitive receptors. Future consideration of potential OHV open areas will consider potential exposure of sensitive receptors to fugitive dust. Prevailing wind directions are well understood in the Coachella Valley, but do vary to some degree depending upon the location within the valley and the time of year. On an annualized basis and consistent with the geomorphic conditions in the Coachella Valley, prevailing winds are generally from the northwest.

PC 078: In Section 3.10.4, Air Quality: Morongo Valley Portion of the CDCA Planning Area, data should be provided to support the claim that OHV use is a major cause of PM₁₀ in the Mojave Desert Air Basin. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: As discussed in Section 3.10.4 of the Plan, the Morongo Valley portion of the CDCA Plan Amendment area is located in San Bernardino County and falls under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The region, including the subject portion of the planning area, is designated as a "non-attainment area" for PM₁₀. The Mojave Desert Planning Area Federal Particulate Matter (PM₁₀) Attainment Plan of 1995 cites the major contributions to PM₁₀ emissions as being unpaved road travel, off-highway vehicle use, wind erosion of unpaved roads and disturbed soils, and construction and demolition activities. As with the Coachella Valley Plan, categorization of emission sources is on a regional basis. It should be noted that the Proposed Plan does not change the current situation regarding motorized-vehicle access in this area.

COMMUNICATION SITES AND UTILITIES

PC 079: BLM should utilize the City of Palm Springs' wind energy noise standards for projects within the City. (D. Evans, City Council / City of Palm Springs)

Response: BLM generally requires wind energy right-of-way grant holders to comply with County of Riverside standards pertaining to noise for projects within the County (Section 18.41(d)(12): Commercial Wind Energy Conversion Systems Permits, Standards and Development Criteria, Noise). These standards are not substantially different from those of the City of Palm Springs as described in Title 11, Chapter

11.74: Noise Ordinance. However, right-of-way grant holders for public land uses are required to comply with local ordinances as a condition of their grant. Therefore, whichever of the two standards is most restrictive would be applicable to wind energy projects within the City of Palm Springs.

PC 080: The preferred alternative should reflect that in areas within Coachella Valley Multiple Species Habitat Conservation Areas, the burden of proof for new permits should be on the applicant and that any lack of an absolute affirmative finding would not allow for new permits to be assigned. (B. Crites / City of Palm Desert)

Response: Applicants for public land uses are required to fully explain the purpose and need for the proposed project. Although many applicants are required to reimburse the BLM for the costs of processing their applications, the burden for fully analyzing the proposal, under the National Environmental Policy Act and applicable regulations, and making a final decision on the project rests with BLM. For these proposals, BLM will thoroughly analyze the need for each project, any feasible alternatives and all impacts. As BLM is the decision-making agency, the burden for analyzing proposals cannot be shifted from the BLM to the applicant.

PC 081: The Imperial Irrigation District's existing north-south electrical transmission line was omitted from the discussion in Section 3.14—Electric Service. (V. Bradshaw / Imperial Irrigation District)

Response: The Final Environmental Impact Statements has been revised to reflect that additional electrical transmission lines, including 230 and 115 kilovolt (kV) lines, carry power from the 500 kV system located in the northern end of the planning area south to power users throughout Coachella and Imperial Valleys.

PC 082: Maintenance and upgrades to existing transmission lines should be allowed in the proposed conservation areas. (V. Bradshaw / Imperial Irrigation District)

Response: The right-of-way grant holder has a right to maintain their authorized facilities in accordance with their plan, and to ensure use of their facility for the purposes for which it was constructed. Any changes to their facility, including upgrades, would require a right-of-way grant amendment application. These amendments necessitate a full review to assess project need and alternatives, as well as analyze and mitigate impacts. Under the regulations pertaining to management of all public lands, there is no assurance that proposed upgrades to existing facilities would be authorized by the BLM. In addition, there

are no provisions for BLM to provide a blanket authorization of all proposed upgrades to transmission facilities as requested in this comment.

LIVESTOCK GRAZING

PC 083: Closure of the grazing allotment at Whitewater Canyon would become permanent only under Alternative C. Conducting further studies on the suitability of livestock grazing there, as stipulated by the preferred alternative, is superfluous. Scientific evidence shows that grazing is incompatible with the protection of sensitive wildlife, health of riparian areas, and preservation of ecologically sensitive public lands in general. Considering that Whitewater Canyon contains critical habitat for the federally listed arroyo toad, it is hard to see how grazing could continue without violating the Endangered Species Act. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: Compatibility of livestock grazing use with other natural resource objectives is generally a question that requires site-specific assessment. Livestock grazing was identified and carried out as an appropriate use of public lands within the Whitewater Canyon allotment under the CDCA Plan. The results of land health assessments conducted in 1999 found that much of the allotment was meeting land health standards, but also identified some problems. Based on its assessment, BLM discontinued grazing use of the allotment in 1999. In evaluating the allotment under this plan amendment, BLM appropriately considered a full range of alternatives including continuation of livestock grazing and complete elimination of such use in this area. Regardless of the alternative selected in the plan amendment, livestock grazing, like other land uses, would be required to occur only in locations, and in a manner, which fully complies with the provisions of the Endangered Species Act based on formal consultation with the U.S. Fish and Wildlife Service.

Chapter 2, Alternatives, has been revised in the Final Environmental Impact Statement to include relinquishment of the allotment, removal of the allotment designation, and emphasis on areas of habitat for listed species.

PC 084: The Plan Amendment does not indicate whether the Whitewater grazing allotment has been acquired for conservation. (J. Taylor / Sierra Club)

Response: Livestock grazing is authorized on public land based on a permit or lease with terms and conditions, and it is governed by grazing regulations. When the revised grazing regulations of 1995 were challenged in the Supreme Court (*Public Lands Council, et al. v. Babbitt, et al.*, 98-1991, decided 5/15/00), the Department of the Interior chose not to pursue a defense of conservation non-use (struck down in Federal District Court and not reversed in the Court of Appeals) that would have allowed permittees and lessees to file for non-use for conservation purposes on grazing allotments. Therefore, the current grazing regulations, as affirmed by the Court, do not allow for conservation non-use.

PC 085: The Plan Amendment must substantiate the claim that closure of part of the Whitewater grazing allotment would eliminate 248 Animal Unit Months (AUMs) per year since actual use has been far lower. The document should provide data on the current status and prior actual use of the allotment. (J. Taylor / Sierra Club)

Response: AUM reductions from a reduced grazing alternative are based on a change in the active preference allocated under the CDCA Plan and the permit or lease, not on the actual use during any given year. The CDCA Plan Environmental Impact Statement analyzed only the total livestock carrying capacity of grazing allotments. Grazing capacities are normally set by Ecological Site Inventories conducted over a period of several years (usually 5) while grazing use is occurring. That data, combined with utilization data on key forage species, and compiled for each range site within the allotment. Unless utilization studies indicate consistent overuse of key forage species at a particular stocking rate (i.e., no more than 50% grass spp., 40% browse spp. normally) active AUMs usually remain set. The reductions in active use throughout the 1990s reflect changes in the ranchers' operations and not the total grazing capacity or active preference for the allotment. AUM reductions based on changes in the allotment boundary were based on loss of Federal acreage from the allotment and not a reduction in estimated forage production and availability.

PC 086: The Whitewater grazing allotment should be retired now in its entirety. To reconsider grazing after another 10 years pass does not make sense. (J. Morgan / Sierra Club)

Response: The Taylor Grazing Act directed the Department of the Interior to delineate grazing allotments and allocate forage on public lands for livestock use. This allotment, like all others, was created under this authority and mandate. Grazing use can be reduced or eliminated in the following three ways: (1) The Secretary can cancel *permits* and

leases if the operator persistently overgrazes, loses control of base property, fails to use the permit, or fails to comply with grazing regulations. (2) The Secretary can, consistent with land use planning under 43 USC 1712, withdraw lands from grazing altogether and devote it to a more valuable or suitable use. (3) In the event of range depletion, the Secretary has a separate authority not to take areas of land out of grazing use altogether as above, but reduce the amount of grazing use allowed on that land by suspending AUMs of grazing use “in whole or in part” and “for such time as necessary.”

Since range depletion has not been noted on the Whitewater Allotment, this planning effort follows the second authority of the Secretary noted above. Consistent with the National Environmental Policy Act and land use planning guidance, whether all, part or none of the Whitewater Canyon Allotment should be withdrawn from grazing has been analyzed. Based on the BLM assessment, extended rest and recovery is needed. The Proposed Plan has also been modified.

PC 087: BLM fails to adequately address the frequent trespassing of cattle on public lands in Palm Canyon. (D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: This is not a planning issue as livestock trespass is covered under existing guidance and regulation, both Federal and State. It is the owner of the livestock who is responsible for livestock trespass on any lands he/she does not own, control, or lease.

Trespass is not “frequent.” Cattle drift from higher elevations into Palm Canyon has been a larger concern for the BLM and the Agua Caliente Band of Cahuilla Indians. But in the last year, herd size on the National Forest has been reduced and fencing has been improved. Monitoring by Tribal rangers continues on a very regular basis and communication with the Forest Service permittee is good. If further problems develop, we expect them to be detected and resolved.

Timely documentation is important when trespass cases are initiated. Any trespass case would generally document the number of livestock and the location on the parcels of public lands, with brands, ear tags, or other identifying markings. Without positive livestock identification on the public land parcels, BLM cannot effectively pursue trespass. However, the present cooperative approach does seem to be effective.

WILD HORSE AND BURRO PROGRAM

PC 088: BLM acknowledges the herd of horses in Palm Canyon were illegally released freeze-branded animals, not wild horses under the legal definition, and are present in sensitive bighorn sheep habitat. Yet under the preferred alternative, BLM proposed to legitimize the horses' presence through a land exchange with the Agua Caliente Band of Cahuilla Indians. This is an unacceptable weakening of BLM's authority towards bighorn sheep, particularly since one of the recovery plan goals is to reduce or eliminate wild horse populations from bighorn sheep habitat, and since wild horse have been found to prevent bighorn sheep from coming to water holes. Alternative C, which would remove the animals, is the only suitable alternative. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition; G. Black / California Department of Fish and Game)

Response: Land exchange with the Agua Caliente Band of Cahuilla Indians is authorized by the Santa Rosa and San Jacinto Mountains National Monument Act of 2000 (Public Law 106-351). The proposed land exchange is not predicated upon the resolution of horse management issues. These are being addressed jointly by the BLM and the Agua Caliente Band of Cahuilla Indians.

During the summer of 2002, the remaining feral horses were removed from Palm Canyon in a cooperative effort between the Agua Caliente Band of Cahuilla Indians, BLM, and Desert Riders. It has been reported by the Tribe that the single wild horse is no longer alive.

PC 089: Section 4.1.8, Biological Resources—Wild Horse and Burro Program, should clarify how transferring public lands to the Agua Caliente Tribe would result in the eventual removal of the branded horses. The Tribe is not bound by this Plan and may decide to maintain the horses. (G. Black / California Department of Fish and Game)

PC 090: In Section 4.1.8, Biological Resources—Wild Horse and Burro Program, the assertion that the herd in the Palm Canyon Herd Management Area will be reduced, presumably after the Agua Caliente Tribe acquires lands as proposed, contradicts BLM's acknowledgement in Section 2.1.3.15, Wild Horse and Burro Program, that there may be support within the Tribe for maintaining the herd. (J. Taylor / Sierra Club)

Response: Horse management issues are being addressed jointly by the BLM and the Agua Caliente Band of Cahuilla Indians. During the summer of 2002, the remaining feral horses were removed from Palm Canyon in a

cooperative effort between the Agua Caliente Band of Cahuilla Indians, BLM, and Desert Riders, which would render this comment moot. BLM agrees the Tribe is not bound by this plan. However, the BLM and the Tribe have a very cooperative working relationship on issues within the National Monument.

PC 091: In Section 3.1.7, Wild Horse and Burro Herd Management Areas, the last sentence on page 3-17 indicates that only four branded animals would be removed and the remaining animals would fall under the Act. This contradicts the statement on page 2-16 (Section 2.1.3.15) that only one of these horses qualifies as a wild horse under the Act. (G. Black / California Department of Fish and Game)

Response: During the summer of 2002, all the remaining feral horses were removed from Palm Canyon in a cooperative effort between the Agua Caliente Band of Cahuilla Indians, BLM, and Desert Riders. The status of the horses is no longer an issue.

PC 092: The removal of illegal animals should be included as part of the preferred alternative. (G. Black / California Department of Fish and Game)

Response: During the summer of 2002, all the remaining feral horses were removed from Palm Canyon in a cooperative effort between the Agua Caliente Band of Cahuilla Indians, BLM, and Desert Riders. The status of the horses is no longer an issue.

PC 093: Section 4.1.1.6, Wild Horse and Burro Management Areas, and Section 4.1.8, Biological Resources—Wild Horse and Burro Program, should acknowledge that there is potential competition for resources between Peninsular Ranges bighorn sheep and wild horses, especially as forage and water become scarce. (G. Black / California Department of Fish and Game)

Response: This issue is discussed in Sections 4.1.6 and 4.8 of the Final EIS.

PC 094: The document should acknowledge that the Agua Caliente Tribe will continue to review field conditions in the Palm Canyon area and will monitor for the presence of additional horses on the Reservation. If additional horses are discovered, they will be managed in compliance with the Tribal Habitat Conservation Plan to be released in Autumn 2002. (M. Park / Agua Caliente Band of Cahuilla Indians)

Response: During the summer of 2002, all the remaining feral horses were removed from Palm Canyon in a cooperative effort between the Agua Caliente Band of Cahuilla Indians, BLM, and Desert Riders. BLM agrees that the Tribe continues to monitor field conditions and would note if additional horses were discovered. BLM also acknowledges both the role of the Tribal Habitat Conservation Plan and BLM's cooperative working relationship with the Tribe on issues within the National Monument.

RECREATION

PC 095: Section 3.4, Recreation, should include a commitment by BLM that any new trails or trail alignments will not be implemented without permission from affected landowners and without proper environmental documentation. (G. Black / California Department of Fish and Game)

Response: The development of new trails or trail alignments on both BLM and non-BLM lands will be addressed through the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Environmental Impact Report / Environmental Impact Statement. The CDCA Plan Amendment for the Coachella Valley does not propose such specific actions on private lands. Site-specific projects on BLM-managed public lands, including trails, are not implemented without appropriate environmental analysis and BLM does work with adjacent landowners if they are affected by a project.

PC 096: BLM should consider limited commercial jeep tours from the valley floor as a means to provide access to the Santa Rosa and San Jacinto Mountains National Monument. (City Council / City of Palm Springs; B. Crites / City of Palm Desert)

Response: The Proposed Plan would provide for motorized commercial recreational access on public land portions of Dunn Road during the fall months (Section 2.4.17, Motorized Vehicle Route Designations). Such activities would be designed to avoid conflicts with bighorn sheep recovery through consultation with the U.S. Fish and Wildlife Service. Use of non-Federal lands, necessary to conduct vehicle tours on Dunn Road from the valley floor, would be subject to permission of private landowners.

PC 097: Section 2.1.3.17, Motorized-Vehicle Access: Route Designations—Alternative D, and Section 4.1.5, Motorized-Vehicle Access, should reflect that no commercial use currently occurs on Dunn Road. Further, it should be stated that the CDCA Plan

Amendment will provide future direction on its use. (G. Black / California Department of Fish and Game)

Response: Section 3.5, Motorized-Vehicle Access, indicates that commercial jeep tours were a permitted use on Dunn Road until June 2001 when lawsuit requirements and denial of access by a private landowner eliminated the use. Under the Proposed Plan, motorized commercial recreational access on public land portions of Dunn Road could occur during the fall months (Section 2.4.17, Motorized Vehicle Route Designations). Such activities would be designed to avoid conflicts with bighorn sheep recovery through consultation with the U.S. Fish and Wildlife Service. Use of non-Federal lands would be subject to permission of private landowners.

PC 098: Section 3.4, Recreation—Hunting, it should be acknowledged that hunting is not permitted with the State game refuge that encompasses a large part of the Santa Rosa and San Jacinto Mountains, and that hunting is not permitted in the Coachella Valley/Thousand Palms Preserve. (G. Black / California Department of Fish and Game)

Response: Section 3.4, Recreation, has been revised to reflect that the State does not permit hunting in the Santa Rosa Mountains State Game Refuge and the Coachella Valley/Thousand Palms Preserve.

PC 099: In Section 3.4, Recreation—Off-Highway Vehicle Use, descriptions of the Windy Point, Indio Hills, Iron Door, and Drop 31 areas should include the current multiple-use class designations. A location and description of the Iron Door area should be included. The description of the Drop 31 area should indicate that it is in close proximity to the Dos Palmas Area of Critical Environmental Concern, and that OHV use and camping occur as far south as Drop 28. (G. Black / California Department of Fish and Game)

Response: Section 3.4, Recreation, has been revised to reflect this comment.

PC 100: Section 3.4, Recreation, falsely suggests that OHV use in the Coachella Valley is limited to Windy Point, Indio Hills, Iron Door, and Drop 31. The document should include a full listing of the trails and use areas that serve OHV recreation, not just the four most popular sites. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: A complete list of existing routes and alternative proposals for their designation is provided in Appendix D, Motorized Vehicle Access. An

expanded description of existing OHV opportunities has been added to Section 3.4, Recreation.

PC 101: The Plan Amendment fails to address the direct, indirect, and cumulative impacts on the recovery of desert tortoise and other sensitive species resulting from installation of additional water sources for desert bighorn sheep as part of the overall Meccacopia Special Recreation Management Area management strategy. Further, the Plan Amendment fails to analyze other potential alternatives such as removal of tamarisk from existing waters. (J. Taylor / Sierra Club)

Response: In the late 1980s, the California Department of Fish and Game and the BLM conducted research on the effects of guzzlers on desert tortoise and other wildlife species. They found that fiberglass tanks trapped more wildlife than other water facilities. Since then, the design of guzzlers has changed substantially. The Lesicka guzzler design is used for bighorn sheep where a large tank is buried in the ground, usually in a defile where runoff can be collected and piped into the tank which then feeds a trough which is at ground level. Troughs are constructed with escape ramps to provide exit for sheep, tortoises, and other wildlife species.

Tamarisk eradication continues to be a priority for the BLM Palm Springs Field Office. Field reconnaissance of springs in the area of the proposed Meccacopia Special Recreation Management Area during September 2002 revealed no infestations of tamarisk at this time.

PC 102: The Environmental Impact Statement fails to disclose when a Recreation Area Management Plan (RAMP) will be developed for the proposed Meccacopia Special Recreation Management Area (SRMA), nor does it describe the restrictions, if any, that will be imposed on OHV use in the SRMA while the RAMP is being prepared, though it is implied, but not explained, there exists a need to control OHVs in and around the proposed SRMA. The effects of OHV use on the proposed SRMA should be described, and the supporting data, should be provided. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Preparation of a Recreation Area Management Plan (RAMP) for the Meccacopia Special Recreation Management Area (SRMA) is dependent on funding and prioritization of tasks for the BLM Palm Springs-South Coast Field Office. Indicating a date in this Plan Amendment for initiating development of the RAMP would be speculative, thereby setting expectations that may not be fulfilled.

However, BLM's intent is to initiate preparation of the RAMP as soon as funding is available and priorities are established.

No interim measures regarding management of off-highway vehicles pending completion of the RAMP are identified in the Proposed Plan. Management of OHVs will be consistent with this Plan Amendment and management prescriptions set forth in the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan). Information regarding approved OHV use will continue to be provided on-site during periods of increased visitor use (e.g., holidays), depending on staff availability. Law enforcement patrols in the area will continue.

A partial strategy for managing the SRMA is incorporated in the Proposed Plan (Section 2.4.18, Special Recreation Management Area). The impacts of designating the SRMA on recreation are described in Section 4.4, Recreation: Special Recreation Management Area. The effects of OHV use on resource values within the proposed SRMA are addressed in the NECO Plan. Development of the RAMP will include management actions for motorized-vehicle use; environmental review in accordance with the National Environmental Policy Act will address impacts to the human environment resulting from the proposed management actions.

PC 103: Evidence showing a need for the Meccacopia Special Recreation Management Area should be provided. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Special Recreation Management Areas (SRMAs) are designated where significant public recreation issues or management concerns occur. Section 3.4 Recreation: Off-Highway Vehicle Use indicates the Drop 31 area, which is included within the boundary of the proposed Meccacopia SRMA, is used as an off-highway vehicle use and camping area, and that use levels in the region around the Orocopia and Mecca Hills Wildernesses can reach as high as 2,000 to 3,000 people on busy weekends. Section 3.4 also acknowledges that there is some risk of vehicle intrusions into the wilderness areas. These circumstances are sufficient to indicate there are significant public recreation issues and management concerns in the region.

PC 104: In Section 4.1.4, Recreation: Land Health Standards and Air Quality, the Environmental Impact Statement indicates that no recreational activities or recreation sites have been specifically identified as noncompliant with regional land health standards for soils, native species, riparian/wetland and stream function, water

quality, and air quality, hence no changes in the management of such recreational activities are proposed. If such is the case, there is no justification for the Plan Amendment's proposed reductions in recreation opportunities. Contrary to this assessment, however, it is stated in the same Section under "Habitat Conservation Objectives" that changes in recreational uses would be required in some instances to meet habitat conservation objectives identified under Alternatives B and C. Due to this inconsistency, one cannot ascertain what is actually being proposed in terms of changes to the current palate of recreational opportunities in the Coachella Valley, not can one discern the reasons for such changes. Therefore, each specific change must be identified in the Environmental Impact Statement along with an assessment of its impacts to recreation, and explain why each individual change is necessary. The document should also provide the technical data that demonstrate OHV use is a significant cause of noncompliance. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The statements in Section 4.4, Recreation: Land Health Standards and Air Quality, that no recreational activities or recreation sites have been specifically identified as noncompliant with land health standards, hence no changes in the management of such activities are proposed, and that adoption of the regional land health standards results in no adverse impacts to recreation are in error. Analysis in Section 4.8: Biological Resources: Motorized-Vehicle Route Designations, and responses to Public Concern Statements (PCs) 073, 074 and 075 relating to generation of PM10 by off-highway vehicles, indicate that vehicular activities may adversely affect land health for native species and soils. Section 4.1.8 (Section 4.8 in the Final EIS) has been revised accordingly. This revision does not change the Proposed Plan regarding actions that affect motorized-vehicle access and recreation.

LAND TENURE: EXCHANGE AND SALE CRITERIA / ACQUISITION CRITERIA

PC 105: The California State Lands Commission (CSLC) owns numerous State School Land parcels within the planning area. Criteria for discretionary purchases of land are described in Section 2.3.10. An exchange of lands owned by the CSLC with the federal government would be considered on a case-by-case basis after appropriate appraisals of the surface and mineral estates are completed, and if it is determined that the exchange of these lands would be in the State's best interest. CSLC would not be in

a position to donate its school lands to the federal government as it has fiduciary responsibilities to the California State Teachers' Retirement System in the management of State School Lands. (D. Sanders / State Lands Commission)

Response: BLM acknowledges the State's need to meet goals and fulfill responsibilities related to State School Lands. Any exchanges involving State School Lands would be the result of a process that included appropriate appraisals, assessment of effects, and determinations by the State and the BLM that the exchange was in the public interest. Generally, exchanges are handled based on their individual merits on a case-by-case basis.

PC 106: The preferred alternative for land exchanges and sales should give priority to trades in which the traded lands will continue to have the same habitat and conservation values that they presently exhibit. (B. Crites / City of Palm Desert)

Response: Land exchanges and sales are discretionary actions that require decisions that balance public interests. Under the criteria presented in the Proposed Plan in Section 2.4.9, benefit to habitat and conservation values is considered and would be an important factor affecting the priority for an exchange.

PC 107: Open area criteria needs to be added to the land acquisition criteria. (J. Ferguson / California Association of 4 Wheel Drive Clubs)

Response: A discussion addressing acquisition to enhance recreation opportunities has been added to Section 2.4.10, Land Tenure: Acquisition Criteria.

PC 108: According to the bighorn sheep recovery plan, the BLM should be using mitigation money to buy land in the urban-wilderness interface to protect important bighorn sheep habitat. Yet there is no evidence of BLM having made the purchase of important tracts of land between La Quinta and Palm Springs a priority despite the loss of suitable habitat in this area to urbanization and agriculture. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: BLM acquires sensitive habitat when funding is available and there are willing sellers, and coordinates closely with other agencies and non-profit groups which are active in acquiring bighorn sheep habitat. A coordinated acquisition program is well established and has been active for years, involving BLM, Coachella Valley Mountains

Conservancy, California Wildlife Conservation Board, Friends of the Desert Mountains and the Agua Caliente Band of Cahuilla Indians. BLM has received Land and Water Conservation Funding for acquisition of habitat in the Santa Rosa and San Jacinto Mountains National Monument. Approximately 15,000 acres have been purchased within critical bighorn sheep habitat since 1990 by BLM and habitat acquisition continues to be a high priority for BLM. Both BLM and partner acquisitions have included lands at the urban interface.

MOTORIZED VEHICLE AREA DESIGNATIONS

PC 109: Designation of the Drop 31 Off-Highway Vehicle (OHV) open area is inappropriate as it may contribute directly or indirectly to a decline in the existing Orocopa Mountains bighorn sheep deme of the Sonoran metapopulation. Published knowledge clearly demonstrates that OHV activity and desert bighorn sheep are not compatible from an ecosystem management standpoint. In the absence of developing additional water sources to improve the availability of summer habitat, maintaining undisturbed access for sheep to the Coachella Canal during the critical summer months is crucial. Further disruption by encouraging or increasing OHV access in this area without actions to mitigate the impacts will likely contribute to additional physiological stress that could potentially be detrimental to this population. The installation of new dependable waters (guzzlers) would substantially reduce this reliance on the Coachella Canal. (J. Cook; T. Foreman / California Department of Fish and Game; D. Patterson / Center for Biological Diversity, California Wilderness Coalition; G. Black / California Department of Fish and Game)

Response: Chapter 4, Environmental Consequences, has been amended to address this issue. Drop 31 is not designated as an OHV open area under the Proposed Plan, a revision of the preferred alternative as described in the Draft Environmental Impact Statement. The Proposed Plan retains wildlife watering areas and adds measures to manage for trail-based vehicle recreation opportunities.

PC 110: The area and route designation criteria at 43 CFR 8342.1, particularly the requirement to minimize harassment of wildlife or significant disruption of wildlife habitats with special attention being given to protect endangered or threatened species and their habitats, appear to limit BLM's ability to establish an OHV open area at Drop 31 absent mechanisms to avoid impacts to bighorn sheep. Such mechanisms include the establishment of new water sources and increased law enforcement presence. The

desert bighorn sheep is designated as a Species of Special Concern by the California Department of Fish and Game, as well as a Fully Protected Species by the California legislature (G. Black / California Department of Fish and Game)

Response: Surveys conducted during 2002 at Drop 31 did not detect any threatened, endangered, or proposed species. Impacts to desert bighorn sheep have been further addressed in the expanded Chapter 4 impact analysis. Development of additional water sources is identified as part of a management strategy to be addressed through a Recreation Area Management Plan for the Meccacopia Special Recreation Management Area (see Section 2.4.18). Law enforcement will continue to be provided on a regular basis.

PC 111: BLM's lack of adequate resources to enforce existing closures within the Orocopia Mountains has resulted in increased illegal OHV traffic at No Name and Canyon Springs, thereby limiting the use of these water sources by bighorn sheep. The Drop 31 OHV open area will also be inadequately patrolled unless additional law enforcement resources are provided by BLM. Harassment of bighorn sheep, intrusion into wilderness, and other factors that limit sheep access to the Coachella Canal will continue to go unchecked. (T. Foreman / California Department of Fish and Game; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: The designation of Drop 31 as an OHV open area has not been carried forward into the Proposed Plan. The Proposed Plan has been modified to reduce potential for adverse effects while being responsive to recreation users. However, off-highway vehicle activities in the area will likely continue at current levels. BLM law enforcement rangers patrol the area on a routine basis, as circumstances allow, and issue violation notices to unauthorized individuals entering wilderness via motorized vehicle. BLM also stations personnel at the Drop 31 area during busy periods, depending on staff availability, to provide information to visitors about available recreation opportunities and restrictions applicable to motorized-vehicle use.

PC 112: The Plan Amendment fails to include an analysis of impacts to adjacent existing or proposed wilderness from the establishment of a new OHV open area, or of the attraction of OHV users to an open area and the resulting impacts. (J. Taylor / Sierra Club)

Response: The establishment of an OHV open area at Drop 31 under the preferred alternative of the Draft Environmental Impact Statement is not carried forward as the Proposed Plan. Impacts to wilderness

(Mecca Hills and Orocopia Mountains Wildernesses) from designation of the Meccacopia SRMA (which includes the Drop 31 area) are addressed in Section 4.1.3, Wilderness: Special Recreation Management Area. Analysis in the same Section under Motorized-Vehicle Area Designations has been revised to reflect the modified proposal. An analysis of impacts to biological resources resulting from OHV designations, including impacts to such resources in wilderness, is included in Section 4.8, Biological Resources.

PC 113: The Plan Amendment does not identify a specific credible management plan to stop existing and future motorized-vehicle intrusions into the Mecca Hills and Orocopia Mountains Wildernesses from the Drop 31 area. (J. Taylor / Sierra Club)

Response: Decisions to open or close an area to off-highway vehicle use are made in a land use plan or amendment to an existing land use plan. Specific management actions pertaining to vehicular intrusions into adjacent areas are typically proposed through activity level plans and through deployment of law enforcement rangers. Specifically, the Recreation Area Management Plan (RAMP) for the Meccacopia Special Recreation Management Area will address the concern identified in the comment and will continue to place priority on preventing vehicle intrusions into wilderness.

PC 114: The Plan Amendment does not analyze the effects of its motorized-vehicle area or route designations on existing or proposed wilderness areas or Joshua Tree National Park. (J. Taylor / Sierra Club)

Response: There are no proposed OHV open areas adjacent to Joshua Tree National Park, hence there are no expected impacts to Park resources. Joshua Tree National Park contains an extensive route network open to “street-legal” vehicles, including OHVs, and these routes are managed in conformance with the Park’s general management plan. A number of these routes continue onto BLM-managed lands. They are generally signed at the park boundary with regulations regarding the use of OHVs (i.e., the Park is closed to ATVs and other non-street legal OHVs). BLM does work closely with Joshua Tree National Park on issues related to vehicle access and illegal dumping.

Motorized vehicles are prohibited in designated wilderness except where access is required to enjoy private property, to facilitate activities associated with valid mining claims or other valid occupancies, to fulfill fish and wildlife management responsibilities under jurisdiction of the California Department of Fish and Game, or to accomplish certain administrative and law enforcement operations,

including fire suppression and search and rescue operations. Under the Proposed Plan, no routes in wilderness would be available for casual motorized use. There are no wilderness study areas proposed through the Coachella Valley CDCA Plan Amendment.

Also see response to PC 072 regarding the effects of PM10 generation by OHVs.

PC 115: The California Desert Conservation Area Plan (1980) states that the BLM will consider the habitat of all fish and wildlife in implementing the Plan, primarily through adherence to and development of objectives dealing with habitats and ecosystems. The Drop 31 OHV open area proposal appears to violate this principle. (T. Foreman / California Department of Fish and Game)

Response: The proposal to designate Drop 31 as an OHV open area under the preferred alternative of the Draft Palm Amendment is in conformance with the CDCA Plan (1980). Chapter 4, Environmental Consequences, addresses the impacts of such designation on the habitat of all fish and wildlife. However, Drop 31 is not designated as an OHV open area under the Proposed Plan, a change from the preferred alternative in the Draft Environmental Impact Statement.

PC 116: The California Department of Fish and Game needs to develop additional water sources, and BLM must increase enforcement presence prior to the establishment of the Drop 31 OHV open area, or alternately, look at the other alternative sites that are currently being considered. However, it would not be possible to locate the waters outside of wilderness, due to the narrow distance between the Drop 31 area, the wilderness boundary, and the intrusion by humans into the area. Therefore, additional waters should be included wherever needed. (T. Foreman / California Department of Fish and Game; G. Black / California Department of Fish and Game)

Response: Chapter 4, Environmental Consequences, has been revised to address this issue. Although Drop 31 is not designated as an OHV open area under the Proposed Plan, current levels of OHV use in the area are likely to continue. Recreation use is well established on both public and private lands in the Drop 31 vicinity; management is proposed to enhance compatibility with wildlife and wilderness values. BLM would work with Riverside County and the OHV Recreation Division of the California Department of Parks and Recreation to establish an OHV recreation area in the southeastern portion of the Coachella Valley (in or adjacent to Section 22, T5S R8E). This site is Riverside County land, is adjacent to the county landfill, and contains

desirable terrain for OHV recreation and is conveniently located off Interstate 10. An OHV play area at this location would serve as an outlet and opportunity for local off-highway vehicle users.

As identified as part of the overall management strategy for the proposed Meccacopia Special Recreation Management Area under the Proposed Plan (Section 2.4.18, Special Recreation Management Area), additional water sources with limited vehicle access would be constructed and maintained to discourage bighorn sheep from using the Coachella Canal and to minimize conflicts with off-highway vehicle users. Development of water sources inside wilderness areas would be consistent with limits and guidelines established in the Northern and Eastern Colorado Desert Coordinated Management Plan (NECO Plan). Also per the NECO Plan, additional guzzlers in wilderness may be considered upon completion of the relevant meta-population plan by the California Department of Fish and Game. Wildlife water sources outside wilderness could be developed based on analysis and approval of site specific proposals developed in consultation with California Department of Fish and Game.

PC 117: A full consideration of species other than bighorn sheep that will be impacted by the Drop 31 OHV open area needs to be addressed and fully disclosed. (T. Foreman / California Department of Fish and Game)

Response: Chapter 4, Environmental Consequences, has been expanded to more fully address this issue. However, the designation of Drop 31 as an OHV open area has been modified in the Proposed Plan.

PC 118: In Section 4.1.8, Biological Resources: Motorized-Vehicle Route Designations, it is alleged that OHVs destroy many protected species in the planning area, and that OHV use contributes to the spread of noxious weeds, yet the Environmental Impact Statement does not provide data to support these allegations. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Off-highway vehicle use can impact vegetation and sensitive species in the California Desert Conservation Area. In the Coachella Valley, vegetation at Windy Point and the Coachella Valley Preserve has been impacted by unauthorized OHV use, including host plants (*Tiquilia palmeri*) of the Coachella Valley grasshopper, a covered species under the CVMSHCP. At Drop 31, vehicle use in the wash may contribute to lack of age-class diversity in desert wash woodland vegetation either by vehicles crushing young plants or due to soils effects. Two special status lizards (Coachella Valley fringe-toed lizard and the flat-tailed

horned lizard) are also susceptible to direct mortality from vehicles. The flat-tailed horned lizard freezes in place when threatened; its cryptic coloring helping to hide it from predators, a strategy which is obviously less effective with an approaching vehicle than with an avian predators. The Coachella Valley fringe-toed lizard may dive into the sand to escape from a threat. Similarly, this may be an effective escape mechanism when dealing with predators but it is less effective when dealing with vehicles.

Where plant communities are affected, extreme temperatures, intense sun, high winds, limited moisture and the low fertility of desert soils make natural recovery of the desert very slow after disturbance (Bainbridge and Virginia 1990). Conditions suitable for plant establishment occur only infrequently and irregularly, and it may take hundreds of years for full recovery to occur without active intervention. The impacts of off-highway vehicles have been documented (Webb and Wilshire 1983) and include destruction of soil stabilizers, soil compaction, reduced rates of water infiltration, increased water and wind erosion, and destruction of vegetation (Vollmer 1976). Noxious weeds may also be spread when seeds cling to tires of vehicles that are used in different areas (Lovich and Bainbridge 1999).

In summary, vehicle use can cause adverse impacts and the intent of management is then to avoid significant adverse impacts while allowing reasonable access to public lands.

PC 119: In Section 4.1.10, Air Quality—Motorized-Vehicle Area Designations, BLM should identify the elements it will consider in determining whether a carrying capacity determination is warranted if the Drop 31 area becomes “enormously popular.” It would also be useful to adopt a specific schedule for monitoring use and associated impacts at the Drop 31 area. (L. Hanf / U.S. Environmental Protection Agency)

PC 120: BLM should identify whether it considers additional NEPA analysis to be necessary to set management parameters for the Drop 31 area based on its best estimate of potential use. (L. Hanf / U.S. Environmental Protection Agency)

Response: The proposal to designate Drop 31 as an OHV open area under the preferred alternative in the Draft Environmental Impact Statement has been modified in the Proposed Plan. Specific actions to manage recreation use in the Drop 31 area would be addressed through the Recreation Area Management Plan (RAMP) for the Meccacopia Special Recreation Management Area (SRMA). Part of the overall management strategy for this SRMA is included in Section 2.4.18, Special Recreation Management Area. The RAMP would address

carrying capacity, monitoring, enforcement, and other issues as appropriate, and would be subject to review in accordance with the National Environmental Policy Act.

PC 121: Vehicle access and OHV use are provided for in the Federal Land Policy and Management Act of 1976. Total prohibition of this recreational activity is inconsistent with FLPMA. (J. Ferguson / California Association of 4 Wheel Drive Clubs)

Response: In Section 102(a)(8) of the Federal Land Policy and Management Act of 1976, Congress declares that it is the policy of the United States that “the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and will provide for outdoor recreation and human occupancy and use.” Further, in Section 601(a)(4) of the Act, Congress found that “the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles.”

Total prohibition of OHV use is not proposed under any of the alternatives considered in this Plan Amendment. Such an alternative was considered but not analyzed in detail (Section 1.4, Alternatives Considered and Not Analyzed in Detail). The alternatives in the Final Environmental Impact Statement range from a maximum of 73 miles of routes open to OHV use on public lands within the planning area (Alternative D) to a minimum of 27 miles of routes open to OHV use (Alternative C), excluding the NECO Plan overlap area and routes currently not available for public access (see Appendix D, Tables D-2, D-3 and D-4). The Proposed Plan would designate 47 miles of routes as open on public lands and 26 miles of routes as additionally designated closed (70 miles of routes are currently closed per prior plan amendment decisions or are not available for public use; these closures would not be changed under the Proposed Plan). Although the Proposed Plan does not designate any public lands in the Coachella Valley as OHV open areas, FLPMA requires only that BLM provide for the use of off-road recreational vehicles where appropriate. BLM has accomplished this through the CDCA Plan with designation of certain routes on public lands as “open” for OHV use.

The Proposed Plan to manage vehicle recreation at Drop 31 and the joint efforts with Riverside County are both directed at providing effective and environmentally appropriate outlets for the OHV use and demand in the Coachella Valley. However, suitable public land options are limited.

PC 122: The Environmental Impact Statement does not provide a biological or natural resource justification for closure of Windy Point, Iron Door, and Indio Hills under Alternative B. Data should be provided that demonstrate these closures will result in benefits to protected species. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Chapter 4, Environmental Consequences, has been expanded to more fully address this issue.

PC 123: Not one single element of any of the new Desert Management Plans addresses even maintaining status quo for motorized-vehicle access by the general public. There is no mention of expanding public use opportunities. Instead, a single solution policy is being applied across the board that can only be described as management by closure. (R. Denner / California Desert District Advisory Council)

Response: Alternative D is the “no action” alternative. Under this alternative, the “status quo” for motorized-vehicle access by the general public would be maintained. If Alternative D is selected, BLM would be opting not to change any of the decisions outlined in the California Desert Conservation Area Plan (1980, as amended) at this time, and to continue with the current management strategy. Under Alternative D there would be 73 miles of routes open on public lands for general public use and 70 miles of routes remaining closed to protect resources, private property, or public safety within the planning area, excluding the NECO Plan overlap area. The 70 miles of closed routes are comprised of 25 miles of routes closed under existing plan amendment decisions (see Appendix D, Table D-2), and 45 miles of routes currently not available for use that would be closed under all alternatives (see Appendix D, Table D-3). Alternative A is designed to maximize and expand OHV recreation opportunities. Under Alternative A, four OHV open areas are proposed for designation.

PC 124: BLM’s closure of Windy Point has displaced a lot of OHV use, but alternate sites to accommodate the displaced use have not been provided. As a result, intrusions have occurred on private property and the Coachella Valley Preserve. The preferred

alternative would also close Iron Door and the Indio Hills sites, and designate Drop 31 as an open area. Given the distance between Drop 31 and the traditional use areas being closed, BLM should identify how it proposes to get the local community to start using Drop 31 as an open area. (J. Ferguson / California Desert District Advisory Council)

PC 125: The Plan Amendment asserts that closure of Windy Point, Iron Door, and other areas would displace OHV users where free play has become “informally established.” Such informal use is actually illegal use. (J. Taylor / Sierra Club)

Response: The proposal to designate Drop 31 as an OHV open area under the preferred alternative in the Draft Environmental Impact Statement is modified in the Proposed Plan. Indio Hills and Iron Door are not currently designated as open areas under the CDCA Plan; public lands in these locations are designated as OHV “limited” use areas in accordance with 43 CFR 8342.1.

The BLM recognizes the challenge of providing appropriate OHV opportunities in the Coachella Valley. Under this Plan Amendment, all available public lands within the planning area were studied to determine their suitability for providing OHV free-play areas. None of the four proposed OHV open areas under Alternative A are carried forward as open areas into the Proposed Plan due to conflicts with sensitive resource values, other designations (such as the Santa Rosa and San Jacinto Mountains National Monument), or other management concerns. While Drop 31 will provide some opportunities and accommodate some user needs for camping and trail-based touring, it cannot reasonably accommodate displaced use from sandy areas like Windy Point and Iron Door because the physical site characteristics are different, as is the type of use.

BLM is working with Riverside County, Coachella Valley Association of Governments, and the OHV Division of the California Department of Parks and Recreation to identify available and appropriate lands to provide an effective outlet for other types of users through future purchase or exchange that would meet this demand.

PC 126: The document fails to evaluate how many OHV users will be affected by area closures and route designations, not does it examine where these displaced OHV users will go to fulfill their recreational needs. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Impacts to OHV users, including estimated numbers of users affected, are evaluated in Section 4.4, Recreation, and Section 4.5, Motorized-Vehicle Access. Impacts to recreation and OHV use from the proposed actions under each alternative are analyzed. A summary of existing OHV areas and opportunities within 100 miles of the Coachella Valley has also been included in Section 3.4, Recreation.

PC 127: There are currently no OHV open areas within the plan area. Any vehicular free-play activities on BLM lands constitute illegal use. Given air quality, noise, existing land use, wilderness, and wildlife issues, there may not be any suitable public lands for OHV use. Windy Point is not an option as the legislation establishing the Santa Rosa and San Jacinto Mountains National Monument prohibits such use. Other areas such as Willow Hole/Edom Hill and Sky Valley have endangered species issues. Iron Door has adjacent land use and PM10 problems, and Drop 31 is adjacent to a wilderness area. Any hopes of preventing off-highway vehicles from entering the wilderness from the Drop 31 area are unrealistic. Generally, there is no place within the planning area that is suitable for off-highway vehicles. (J. Morgan / Sierra Club; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

PC 128: The Plan Amendment does not analyze whether establishing an OHV open area in the Drop 31 area will stop problems in sensitive habitat areas such as the Coachella Preserve or Windy Point at the opposite end of the Coachella Valley. (J. Taylor / Sierra Club)

Response: The proposal to designate Drop 31 as an OHV open area under the preferred alternative in the Draft Environmental Impact Statement is modified in the Proposed Plan. Impacts resulting from designation of open areas on public lands are described under Alternative A in Section 4.4, Recreation: Motorized-Vehicle Area Designations. Although BLM would not designate an OHV open area through this CDCA Plan Amendment, it is working with Riverside County, Coachella Valley Association of Governments, and the OHV Division of the California Department of Parks and Recreation to identify available and appropriate lands for future purchase or exchange that would meet the demand for vehicular free-play opportunities. The establishment of a new OHV open area in the Coachella Valley would provide a legitimate riding area and potentially reduce conflicts at preserves and other sensitive areas.

PC 129: Acquisition of private lands in the proposed OHV open areas must be addressed to avert contentious issues arising with landowners regarding OHV activities. (J. Ferguson / California Association of 4 Wheel Drive Clubs)

Response: Under the Proposed Plan, no OHV open areas would be established on public lands. However, proposed management at Drop 31 would allow for vehicle-based recreation and acquisition of interspersed private lands from willing sellers would improve management, avoid conflicts, and help maintain public recreation access and opportunities. BLM is also working with Riverside County, Coachella Valley Association of Governments, and the OHV Division of the California Department of Parks and Recreation to identify available and appropriate lands for future purchase or exchange that would meet the demand for vehicular free-play opportunities. Analysis of impacts to proposed acquired lands or adjacent private lands when no specific proposal for an OHV open area has been identified by the parties herein cited is beyond the scope of this document.

PC 130: A place for out-of-town and local OHV needs to be found in the Coachella Valley, whether by acquisition at Iron Door or through another solution. Drop 31 is not a remedy to the problem of illegal intrusions when traditional use areas are closed. Alternatives C and D are unacceptable since OHV use is frequently criticized for illegal actions. (J. Ferguson / California Desert District Advisory Council; J. Ferguson / California Association of 4 Wheel Drive Clubs)

PC 131: In the entire 1.2 million-acre Coachella Valley, there is not a single place that dirt bikes can be legally used as all OHV areas have been closed. BLM should open and designate such an area. (R. Denner / California Desert District Advisory Council; R. Sargent / Desert Side Tracks)

PC 132: Unless some priority is identified and some assurance is provided to work with the Off-Highway Motor Vehicle Recreation Division and the California Department of Parks and Recreation in establishing an OHV open area north of Interstate 10 east of Dillon Road, this “work” may never come to fruition. (B. Crites / City of Palm Desert)

Response: Land ownership, rates of urbanization and conflicts with other resource values or designations in the planning area limit OHV recreation opportunities in the Coachella Valley, and they are likely to become more constrained. Identification of appropriate outlets for this demand affect both opportunities for recreation and the effectiveness of conservation measures. The public lands addressed through this Plan Amendment include about 28% of the total land base in the Coachella Valley (about 330,000 acres of public land out of a total of about 1.2 million acres) and about 75 percent of these BLM-managed public lands are in designated wilderness, National Monument or Areas of Critical Environmental Concern. The currently available route

network on these public lands totals 73 miles of routes, excluding the NECO Plan overlap area within which many more miles of routes are available for use. Under existing management (Alternative D), these 73 miles of routes are open and 70 miles are not available for use. The 70 miles of closed routes are comprised of 25 miles of routes closed under existing plan amendment decisions (see Appendix D, Table D-2), and 45 miles of routes currently not available for use that would be closed under all alternatives (see Appendix D, Table D-3). Under the Proposed Plan, 47 miles of routes would remain open and 26 miles of routes would be additionally designated closed to meet resource protection objectives. Both street-legal vehicles and “green sticker” or non-street legal vehicles (such as ATVs) may use open routes on land managed by BLM. In addition to these routes, there are hundreds of miles of routes open to street-legal vehicles in Joshua Tree National Park, San Bernardino National Forest, and Anza-Borrego Desert State Park, all within close proximity to the Coachella Valley. A summary of existing regional OHV areas and opportunities is included in Section 3.4, Recreation.

In addition, BLM is proposing some focused recreation opportunities at Drop 31 and is currently working with Riverside County, Coachella Valley Association of Governments, and the OHV Division of the California Department of Parks and Recreation to identify available and appropriate lands for future purchase or exchange that would meet the demand, and provide an appropriate outlet for, vehicular free-play opportunities. Currently, no designated OHV open areas occur within the planning area.

PC 133: The closure of Windy Point could have been delayed until alternate sites for OHV activities were identified. (R. Denner / California Desert District Advisory Council)

Response: Temporary closure of Windy Point to OHV activities pending the Record of Decision for this Plan Amendment was in response to the Center for Biological Diversity, et al. lawsuit settlement (Case No. C-00-0927 WHA, U.S. District Court, Northern District of California, San Francisco Division; see Section 1.6.3 relative to this matter).

PC 134: BLM’s intent for OHV management in the Windy Point area cannot be determined. (D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: Windy Point is within the boundary of the Santa Rosa and San Jacinto Mountains National Monument. The Act creating the monument was signed on October 24, 2000 (Public Law 106-351). In accordance with Section 5 of the Act, use of motorized vehicles in the

National Monument shall be permitted only on roads and trails designated for use of motorized vehicles, except where or when needed for administrated purposes or to respond to an emergency. BLM's intent is to manage the Windy Point area in accordance with the Act and consistent with the Coachella Valley Multiple Species Habitat Conservation Plan. The Proposed Plan in Section 2.4.16, Motorized Vehicle Area Designations, identifies that Windy Point south of Highway 111 would be designated "closed" to vehicular access.

MOTORIZED-VEHICLE ROUTE DESIGNATIONS—EXCLUDING DUNN ROAD

PC 135: The Plan Amendment does not examine what motorized-vehicle routes existed as of the 1980 California Desert Conservation Area Plan, and which routes have been abandoned or are new. (J. Taylor / Sierra Club)

Response: The process for route inventory is described in Section 3.5, Motorized-Vehicle Access. Each route is described in Appendix D, Motorized Vehicle Access, and is depicted on USGS 7.5-minute topographic maps that were available for review during the public comment period. As the basis for determining which routes would be proposed for designation as "open," BLM used criteria at 43 CFR 8342.1. In furtherance of these criteria, current maintenance and use, access to private property, valid and existing rights, and compatibility with resource management objectives were considered. Route designations were proposed based on these criteria, not the status of vehicle routes in 1980.

PC 136: The Environmental Impact Statement fails to assess the impacts of route closures and restrictions on recreation under Alternatives B and C. The number of OHVs using the affected routes should be identified. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The number of OHV users on affected routes is addressed in Section 4.10, Air Quality: Motorized Vehicle Route Designations. This analysis is carried into Section 4.5, Motorized-Vehicle Access, for the Final Environmental Impact Statement.

PC 137: Several All-Terrain Vehicle trails crossing public lands in the Snow Creek/Windy Point area are not depicted on BLM's 7.5-minute route inventory quadrangles. Some of these trails are used on a daily basis in conjunction with the use of private property in Section 14, T3S R3E. (Exhibits depicting the missing

**trails were furnished by the individual submitting the comment.)
(S. Harris / Off Road Rentals)**

Response: These routes have been added to the route inventory and are addressed in Appendix D, Table D-4.

PC 138: The gate depicted on route CV029 in Section 17, T2S R4E (BLM 1:24,000 route inventory maps) does not exist, thereby resulting in an inaccurate characterization of the currently closed section of the route. The gate is actually located further west on Route CV029 (exhibits depicting the actual location were furnished by the individual submitting the comment). (S. Mascaro)

Response: The designation proposal for CV029 has been modified to reflect the correct location of the closed gate (see Appendix D, Tables D-3 and D-4).

PC 139: With only 71 miles of routes available for motorized use on BLM lands in the Coachella Valley, additional closures are not warranted. While there are hundreds of miles of hiking trails available, not a single motorized trail system is proposed or planned. This inequity is not acceptable. BLM should establish a backcountry touring route system throughout the area. (J. Ferguson / California Association of 4 Wheel Drive Clubs)

PC 140: Vehicular access is increasingly being limited. As people grow older, motorized vehicles are necessary to access the desert. Trails should remain open so vehicle users can continue to exercise their rights to access the land and enjoy it. (R. Sargent / Desert Side Tracks; J. Ferguson / California Association of 4 Wheel Drive Clubs; K. McArthur / University of California Cooperative Extension)

PC 141: For seniors, children, and persons with mobility problems, the only way to see the desert is by vehicle. With the proposed closures, there will be less access for such people. The Environmental Impact Statement ignores this impact. Proposed closures should be reconsidered and a balance struck so wheelchair-bound people can see desert areas. (G. Mottino / Desert Side Tracks; D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The public lands addressed through this Plan Amendment include only 28% of the total land base in the Coachella Valley (about 330,000 acres of public land out of a total of about 1.2 million acres). The available route network on these public lands totals 73 miles of routes (revised from the Draft EIS), excluding the NECO Plan overlap area

within which many more miles of routes are available for use. Under existing management (Alternative D), these 73 miles of routes are open and 70 miles are not available for use. The 70 miles of closed routes are comprised of 25 miles of routes closed under existing plan amendment decisions (see Appendix D, Table D-2), and 45 miles of routes currently not available for use that would be closed under all alternatives (see Appendix D, Table D-3). Under the Proposed Plan, 47 miles of routes would remain open and 26 miles of routes would be additionally designated closed to meet resource protection objectives. Both street-legal vehicles and “green sticker” or non-street legal vehicles (such as ATVs) may use open routes on land managed by BLM. In addition to these routes, there are hundreds of miles of routes open to street-legal vehicles in Joshua Tree National Park, San Bernardino National Forest, and Anza-Borrego Desert State Park, all within close proximity to the Coachella Valley. A summary of existing regional OHV areas and opportunities is included in Section 3.4, Recreation.

PC 142: In Section 3.5, Motorized-Vehicle Access: Motorized-Vehicle Route Designations, the alleged “redundant” routes should be identified and the criteria used to establish their redundancy should be explained. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: In identifying redundant routes, the following definition was used: A redundant route is one whose purpose is apparently the same, or very similar to, that of another route, inclusive of providing the same or very similar recreation opportunities or experiences. Identifying redundant routes requires that judgments be made relative to the uses and purposes of certain routes.

Table D-4 of Appendix D, Motorized-Vehicle Access, identifies redundant routes that would be closed under the Proposed Plan.

PC 143: The Plan Amendment should indicate what data support the need for route closures identified under Alternatives B and C. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Section 4.8 describes the impacts of motorized-vehicle route designations on special status species and habitat, and has been strengthened in the Final Environmental Impact Statement.

PC 144: Instead of providing valid evidence that certain routes must be closed due to evidence of environmental impacts, the BLM takes

the approach of closing all dirt roads to vehicle use unless the users have identified them as routes that need to remain open. (R. Denner / California Desert District Advisory Council)

Response: BLM has identified motorized-vehicle routes occurring within sensitive habitats (e.g., occupied desert tortoise habitat, Coachella Valley fringe-toed lizard habitat, flat-tailed horned lizard habitat, etc.) and has proposed a number of conservation measures to provide for protection and recovery of these species. One of these measures includes proposals to close certain routes in these sensitive habitats. BLM has not proposed to close all dirt roads, rather, in accordance with the Proposed Plan, BLM would designate 47 miles of routes on public lands in the Coachella Valley as “open” and 26 miles as additionally “closed” to protect sensitive species and habitat (excluding the NECO Plan overlap area). Table D-4, Appendix D, identifies the routes so designated, their lengths, and their map locations; these designations are depicted in Figure 2-11b. Routes currently not available to public access total 70 miles; these routes would not be available for use under the Proposed Plan (see Appendix D, Tables D-2 and D-3). Chapter 4, Environmental Consequences has been expanded to more fully address this issue.

PC 145: Informally developed spur routes off the powerline route through Big Morongo Canyon Area of Critical Environmental Concern should be closed and blocked to remain in compliance with existing regulation regarding ACECs. Traffic should be limited to the powerline route. (J. Morgan / Sierra Club)

Response: The suggested decision is already in place. Under the CDCA Plan Amendment and Record of Decision (4/98), the Big Morongo Canyon ACEC was “closed to public motorized use in Big Morongo Canyon ... The powerline access road in Little Morongo Canyon, ... commonly known as ‘Kickapoo Trail,’ will remain open year-round to motorized vehicle travel. The side canyons off Kickapoo Trail and all other existing routes are closed to motorized vehicle use and shall be rehabilitated or used for administrative purposes only.” This designation would remain in effect under the Proposed Plan. Rehabilitation of hill climb routes will be undertaken when weather and soil conditions are favorable to promote vegetative growth.

PC 146: All roads in the Snow Creek and Windy Point areas should be closed to help prevent illegal OHV use. (J. Morgan / Sierra Club)

Response: Routes on public lands in these areas were inventoried and decisions made according to resource management objectives. Many routes in these areas are on private land and not subject to BLM’s

jurisdiction. However, most routes on BLM-managed lands in these areas, particularly those east of Snow Creek Road, would be closed under the Proposed Plan. Appendix D, Motorized-Vehicle Access, and Figure 2-11b describe and depict these proposed closures.

PC 147: In Section 4.1.5, Motorized-Vehicle Access—third sentence of last paragraph on page 4-36, the statement, “No new areas would be unavailable for general public access, . . .” should be clarified. (G. Black / California Department of Fish and Game)

Response: Section 4.1.5 (Section 4.5 in the Final EIS) has been clarified in response to the comment.

PC 148: On April 2, 2002, the Riverside Board of Supervisors adopted Resolution 2002-118 stating that the County and the public have acquired rights-of-way pursuant to R.S. 2477 in those certain ways provided by California State and Federal law. Although repealed by the Federal Land Policy and Management Act of 1976 (FLPMA), existing rights-of-way are exempt from repeal. Many of the trails in the Santa Rosa and San Jacinto Mountains are public rights-of-way that were established prior to 1976 by virtue of their having been constructed or improved and maintained. (N. Stacey, R.R. Ramey II / Desert Riders)

PC 149: The Environmental Impact Statement fails to identify which routes may be subject to rights-of-way granted under R.S. 2477, and fails to analyze the potential conflict between the proposed closures and the rights of persons/entities that have been granted permanent road access by R.S. 2477. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Revised Statute 2477 (R.S. 2477) is addressed in Section 3.2.2, R.S. 2477 and Rights-of-Way Issues. No R.S. 2477 rights of way were identified that would affect route designation in the Coachella Valley Plan Amendment. The intended connection between R.S. 2477 and trails management is unclear; however trails management issues will be addressed through the CVMSHCP.

MOTORIZED-VEHICLE ROUTE DESIGNATIONS—DUNN ROAD

Commercial activities on Dunn Road are also addressed under “Recreation.”

PC 150: Contrary to the preferred alternative, Dunn Road should be entirely closed to recreational OHV use as it passes through important bighorn sheep habitat. One of the goals of the bighorn sheep recovery plan is to manage road use to reduce or eliminate

habitat fragmentation or interference with bighorn sheep resource use patterns. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition; J. Taylor / Sierra Club)

PC 151: The prohibition of motorized commercial recreation on large portions of the Dunn Road due to bighorn sheep disturbances is not justified since it is not supported by good data and is based on conclusions that are inappropriately drawn from other areas. As an example, the data on fragmentation of habitat by road use mostly refers to heavily utilized paved roads and to an area in Anza Borrego Desert State Park that had significant heavy unrestricted use during the time in which the data were collected. None of this existed in the past on Dunn Road. (B. Crites / City of Palm Desert)

Response: BLM does not manage all portions of Dunn Road. Since BLM can make decisions only for lands under its jurisdiction, route designations apply only to BLM-managed portions of the road. In accordance with the preferred alternative of the Draft CDCA Plan Amendment, as well as the Proposed Plan herein described, Dunn Road would be closed to casual recreation use year-round (Section 2.4.17, Motorized Vehicle Route Designations). Commercial recreation use could be allowed during the fall months subject to private landowner permission and consultation with the U.S. Fish and Wildlife Service (also Section 2.4.17).

According to *The Principles of Conservation Biology* (Meffe and Carroll 1997), habitat fragmentation is considered to have two components: (1) reduction of the total amount of a habitat in a landscape, and (2) apportionment of the remaining habitat into smaller more isolated patches. Dunn Road does neither of these. Sheep are not prevented from moving from habitat on one side of Dunn Road to the other. BLM staff have observed bighorn sheep on and adjacent to Dunn Road. During the time when Desert Adventures was operating jeep tours on the road; their staff reported sheep sightings in this location as well. Motorized administrative and commercial use on Dunn Road would be limited to levels and areas where and when such activities would not conflict with bighorn sheep recovery. Such use is not expected to jeopardize bighorn sheep or hamper recovery efforts (USFWS 1999).

PC 152: The Plan Amendment fails to fully analyze the benefits of closing Dunn Road permanently north of the gate in Section 16, T6S R5E. (J. Taylor / Sierra Club)

Response: Analysis in Chapter 4, Environmental Consequences, has been expanded to more fully address this issue.

PC 153: The Plan Amendment fails to provide evidence that 7,000 visitors would be displaced annually by restricting jeep tours on Dunn Road. (J. Taylor / Sierra Club)

Response: BLM records indicate that Desert Adventures Jeep Eco-Tours, while under permit from BLM for use of public land portions of Dunn Road, served the following number of visitors from 1995 to 1998:

| | |
|------|-----------------|
| 1995 | 7,817 visitors |
| 1996 | 9,810 visitors |
| 1997 | 11,383 visitors |
| 1998 | 10,953 visitors |

On an annual basis, visitors on Desert Adventures tours averaged 9,990. Of these, records indicate that about 3,000 visitors annually took a Dunn Road tour during the fall months, and 7,000 during the remainder of the year. Since motorized commercial use of Dunn Road would be limited to the fall months under the Proposed Plan, about 7,000 visitors would be displaced on an annual basis. This information is included in Section 3.5, Motorized-Vehicle Access: Motorized Vehicle Route Designations.

PC 154: Alternative A would allow commercial use of Dunn Road, thereby increasing impacts to biological resources since non-commercial use is the existing condition. This contradicts the statement made in Section 4.1.8, Biological Resources—Motorized-Vehicle Route Designations: Alternative A, that “existing impacts to biological resources would continue.” (G. Black / California Department of Fish and Game)

Response: Under Alternative A, 73 miles of motorized-vehicle routes on public lands within the planning area (excluding the NECO Plan overlap area) would remain open, that is, would be designated “open.” Thus, existing impacts to biological resources would continue. Under the same alternative, as well as the Proposed Plan herein described, Dunn Road would continue to be available for administrative use; thus, the existing impacts to biological resources would continue. Although motorized commercial use of Dunn Road would be *allowed* during the fall months, the Record of Decision for the CDCA Plan Amendment does not *authorize* such activities. There is no current application and private landowner permission is currently unavailable. Any future commercial use would be (1) controlled through issuance of a Special Recreation Permit for commercial activities on Dunn Road, (2) contingent on permission being granted by private landowners to

traverse their lands, and (3) subject to consultation with the U.S. Fish and Wildlife Service.

Some difference in the *potential* for commercially operated public jeep tours, and any associated effects from them, exists between alternatives. However, unknowns about the nature of permitted activity and the conditions of sheep populations at that time, make it difficult to assess impacts. It is clear that operations, and thus effects, would be more limited than those previously permitted, and that they would not be expected to jeopardize sheep or hamper recovery efforts (FWS, 1999).

PC 155: Even though the lower portion of Dunn Road is more important for bighorn sheep than the upper part, implementing different management schemes for the two sections will invite non-compliance and frustrate enforcement. Existing recreational use does not legitimize ongoing use, and BLM has not justified any need for reopening the road other than for emergency or government vehicles. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: Under the Proposed Plan, all portions of Dunn Road on public lands would be designated “closed” to casual motorized-vehicle access, i.e., the road would be used only for administrative purposes such as flood control, law enforcement, search and rescue, and fire control, as well as controlled levels of permitted uses such as research and commercial recreation, subject to permission of private landowners for use of non-federal lands (Section 2.4.17, Motorized Vehicle Route Designations). Different management schemes for the upper and lower portions of the road are not proposed through this Plan Amendment.

Use of public land portions of Dunn Road for limited research and motorized commercial recreation would require issuance of a permit by BLM, subject to consultation with the U.S. Fish and Wildlife Service in accordance with Section 7 of the Endangered Species Act. Both activities would be designed to avoid conflicts with bighorn sheep recovery; motorized commercial recreation would be confined to the fall months (Section 2.4.17). BLM does acknowledge, however, that denial of landowner permission to cross private lands on the lower reaches of Dunn Road would restrict commercial jeep tours to the upper reaches of the road (Section 4.5, Motorized-Vehicle Access). Since such access would require passage through locked gates and conditions of use would be dictated by stipulations issued as part of the Special Recreation Permit, if approved, non-compliance would not be anticipated.

The Dunn Road has never been an open route. Gated access was implemented soon after its establishment, although the gate was on private land at the time.

PC 156: Development of a master right-of-way grant should be considered to ensure that all governmental agencies with legal authority can access Dunn Road for such purposes as law enforcement, fire protection, and code enforcement. (D. Evans, City Council / City of Palm Springs)

Response: Under the Proposed Plan, legal access for use of Dunn Road may be provided to agencies through a right-of-way grant with terms and conditions based upon a biological opinion (Section 2.4.17, Motorized Vehicle Route Designations). Nothing in the Plan would preclude development of a master right-of-way grant to address access for various governmental agencies with law enforcement, fire protection, and code enforcement responsibilities on lands accessed by Dunn Road.

PC 157: Section 3.5, Motorized-Vehicle Access—Motorized-Vehicle Route Designations, should include the names of public agencies applying for right-of-way permits on Dunn Road. (G. Black / California Department of Fish and Game)

Response: Right-of-way applications for Dunn Road have been received from Riverside County Flood Control and Water Conservation District, and Coachella Valley Mountains Conservancy.

PC 158: BLM fails to address the fact that Dunn Road may not be accessed from the north except by illegal trespass across private lands. (D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: Access to Dunn Road from the north at Cathedral City Cove is via BLM-managed public lands (East ½ Section 5, T5S R5E); no trespass across private land is involved at this location. BLM acknowledges that the West ½ of Section 5, T5S R5E, in which a portion of Dunn Road occurs, is private property and no trespassing is allowed as posted. Nevertheless, decisions made through this Plan Amendment address public lands only; BLM does not purport to make decisions for non-public lands.

PC 159: Dunn Road and connecting roads should remain closed until Peninsular bighorn sheep are no longer listed as endangered, except for the portion of Dunn Road from Pinyon Flat to the gate

in Section 16 (T6S R5E). This portion of the road is not within any area that is closed to protect bighorn sheep and will provide access to trails that are not subject to seasonal closures.

Portions of the road north of Section 16, and between Royal Carrizo and the common boundary of Sections 32 and 33 (T5S R5E) should be closed. (J. Morgan / Sierra Club)

PC 160: Dunn Road should remain closed to motorized vehicles. Non-motorized access to the Dutch Charlie and Potrero Canyon Trails can be gained from a parking area at the boundary of Sections 20 and 29 (T6S R5E). (Santa Rosa and San Jacinto Mountains National Monument Advisory Committee)

Response: Under the Proposed Plan, public land portions of Dunn Road, the Dry Wash route, and the access route from Royal Carrizo would be closed to motorized vehicles, except for administrative and permitted access until bighorn sheep populations are recovered. To facilitate management of motorized vehicles between the referenced gate and Pinyon Flat, BLM would close public land portions of Dunn Road at this location. Access to trails in this area may be available via foot and horseback from a parking facility near the gate at the boundary of Sections 20 and 29, T6S R5E, though such decisions are not made through this plan amendment.

PC 161: The Plan Amendment proposes to allow vehicles north of the gate in Section 16, T6S R5E, but fails to analyze the feasibility of controlling motorized vehicles north of this control point and the potential impacts to Peninsular Ranges bighorn sheep and other resources, including cultural resources. (J. Taylor / Sierra Club)

Response: Only vehicles for administrative use and under permit (e.g., Special Recreation Permit issued for motorized commercial activities) would be allowed on public land portions of Dunn Road. Access through the referenced gate would require a key issued by BLM.

Habitat along the upper Dunn Road, from Pinyon Flat to the Dry Wash route, is not an area that has historically been used by bighorn sheep. The U.S. Fish and Wildlife Service bighorn sheep location database, containing more than 20,000 data points from more than four decades of research and monitoring, indicates that although the occasional ram may move through this area, it is not an area critical to the recovery or persistence of this population.

PC 162: Dunn Road should be open to allow landowner access to private property. The City of Palm Springs General Plan calls for improvement of Dunn Road to provide access to private properties which may be developed in the future. (N. Stacey, R.R.)

Ramey II / Desert Riders; D. Evans, City Council / City of Palm Springs)

Response: Private landowners do not hold a valid existing right to use public land portions of Dunn Road. If these landowners held a valid existing right, they would not need a Federal Land Policy and Management Act (FLPMA) right-of-way to continue that use. Mathilda B. Williams and Jack F. Brown, 124 IBLA 7 (1992). Any valid existing right to continued use of Dunn Road must be created by either the exercise of Secretarial discretion or by a Federal statute granting that right. 88 I.D. 909, 912 (1981). The exercise of Secretarial discretion would involve the issuance of some form of authorization to use Dunn Road, such as a right-of-way under Title V of FLPMA. BLM records do not indicate that any authorizations have been granted subsequent to a 1975 Final Judgment of U.S. District Court, Central District of California (United States of America v. American Land Company, etc., et al.; Civil No. 68-1119-FW, June 17, 1975) for use of the public land portions of Dunn Road except for a Special Recreation Permit issued to Desert Adventures, Inc. (a.k.a. Desert Adventures Jeep Eco-Tours) for use of the road in connection with its commercial jeep tour venture.

Under the Proposed Plan, legal access to landowners needing to use public land portions of Dunn Road may be provided through a right-of-way grant with terms and conditions based on a biological opinion issued by the U.S. Fish and Wildlife Service. Temporary landowner access may be authorized by permit. Improvements to public land portions of Dunn Road would also require authorization by BLM, subject to review in accordance with the National Environmental Policy Act and Section 7 consultation under the Endangered Species Act.

PC 163: Dunn Road should be open for limited use by visitors to the Santa Rosa and San Jacinto Mountains National Monument. Further, it should be paved to facilitate visitor access. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: Dunn Road crosses both private and public land. Under the Proposed Plan, public land portions of Dunn Road would be closed to motorized vehicles, except for administrative and permitted access. BLM has no jurisdiction to make decisions applicable to the non-public portions of the road, though access across these private lands would be necessary to enable use of the road by visitors to the National Monument.

Although Dunn Road as currently configured and with current use levels does not fragment bighorn sheep habitat (also see the response to PCs 150 and 151 regarding fragmentation), paving the road and

opening it for use by visitors to the National Monument may, in fact, result in fragmentation and reduced use by bighorn sheep as visitor use increases. The lower section of Dunn Road passes near traditional lambing and rearing habitat in Cathedral Canyon and increased use could impact these sheep.

PC 164: A description of the current maintenance activities on Dunn Road should be included in Section 3.5, Motorized-Vehicle Access—Motorized-Vehicle Route Designations. (G. Black / California Department of Fish and Game)

Response: BLM has not undertaken maintenance activities on public land portions of Dunn Road other than maintenance of signs, gates, barricades and minor manual work. Desert Adventures Jeep Eco-Tours previously conducted road maintenance in conjunction with their permitted activities, but since expiration of their Special Recreation Permit in June 2001, public land portions of the road have not been maintained. Whether private landowners have maintained portions of the road on their lands is unknown, but it is unlikely.

STOPPING, PARKING AND VEHICLE CAMPING

PC 165: Changing the distance one can camp adjacent to a route from the current limit of 300 feet to 100 feet from the centerline of a route as proposed has not been sufficiently justified. This change constrains opportunities to experience desert solitude. (B. Crites / City of Palm Desert)

Response: Chapter 4, Environmental Consequences, has been expanded to further discuss the impacts resulting from the change.

PENINSULAR RANGES BIGHORN SHEEP—GENERAL

The Draft California Desert Conservation Area Plan Amendment for the Coachella Valley includes alternative recovery strategies for Peninsular Ranges bighorn sheep. The proposed Recovery Strategy for Peninsular Ranges bighorn sheep emphasizes restoration of public lands and coordination of conservation efforts with the U.S. Fish and Wildlife Service, California Department of Fish and Game, local jurisdictions, and non-government organizations to promote recovery of bighorn sheep. A combination of habitat improvement projects, management of land uses to avoid, reduce, or mitigate disturbance, and excluding bighorn sheep from the urban environment is proposed. The *Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000)* was used in the development of this strategy. References to the Recovery Plan are in

parentheses.

The purpose of including the draft trails management plan with the Draft CDCA Plan Amendment for the Coachella Valley is to “benchmark” the progress made to date through negotiations with the local jurisdictions and wildlife agencies, as well as to provide a clear indication to the public of the alternatives under discussion which would make up the Trails Management Plan component of the larger strategy.

While several comments received by BLM pertain to the recovery strategy identified in Section 2.1.3.20 of the Draft Coachella Valley CDCA Plan Amendment (Section 2.4.20 in the Final EIS), many more relate specifically to actions identified in the draft trails management plan. As BLM will not be making decisions at this time for the trails management plan as it pertains to public lands, responses are herein provided only to comments regarding the recovery strategy. Comments submitted by September 5, 2002 that relate to specific actions identified in the trails management plan will be used to refine the array of alternatives for the draft CVMSHCP. Responses to these comments, as well as any new comments submitted during the public comment period for the draft CVMSHCP, will be provided at the conclusion of that comment period.

PC 166: It is particularly important that the CDCA Plan Amendment comply with legal requirements to protect the Peninsular Ranges bighorn sheep. The alternatives listed in the Plan Amendment have various shortcomings in terms of fulfilling the BLM’s obligations to bighorn sheep under these provisions. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: The BLM is required to consult with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act on any action it authorizes, funds, or carries out, to ensure that these actions are not likely to jeopardize the continued existence of any listed species, or result in adverse modification of critical habitat, using the best available scientific and commercial data. BLM requested initiation of Section 7 consultation with the U.S. Fish and Wildlife Service on August 6, 2002 relative to this Plan Amendment; the Service has indicated it will provide a Biological Opinion by December 21, 2002.

PC 167: The Plan Amendment’s analysis of impacts from Alternatives A, B and C on recovery of Peninsular Ranges bighorn sheep is inadequate because simply “limiting disturbance” may be insufficient. Further, it fails to address whether enough undisturbed habitat is protected to permit survival and recovery, and whether adequate mechanisms are available to adapt to needed changes. (J. Taylor / Sierra Club)

Response: The Recovery Strategy for Peninsular Ranges bighorn sheep establishes goals and objectives that will guide BLM in managing bighorn sheep habitat to reduce disturbance, improve water quality and availability, provide information to the public, exclude bighorn from urban areas along the urban-wildland interface, and undertake other actions designed to facilitate recovery of bighorn sheep in the Peninsular Ranges. BLM is obligated under the Endangered Species Act (ESA) to ensure that actions funded, authorized, or permitted by BLM do not result in the adverse modification of designated critical bighorn sheep habitat, and to consult with the U.S. Fish and Wildlife Service under section 7 of the ESA on projects occurring within critical habitat.

PC 168: The Plan Amendment must have clearly defined goals that ensure long-term recovery for Peninsular Ranges bighorn sheep, and identify milestones by which certain actions must be successfully completed. (J. Taylor / Sierra Club)

Response: The Recovery Strategy has been reformatted and revised to improve clarity of goals and objectives which are intended to promote long-term recovery of bighorn sheep (see Section 2.4.20). However, BLM cannot guarantee or ensure long-term recovery for Peninsular Ranges bighorn sheep because (1) BLM does not manage all the land in the Santa Rosa and San Jacinto Mountains within bighorn sheep habitat, and (2) Fish and Wildlife Service and California Department of Fish and Game are very involved in managing the wildlife species, while BLM manages land uses and the habitat on public lands. However, BLM does work cooperatively with California Department of Fish and Game, U.S. Fish and Wildlife Service, and private researchers to gather information and monitor bighorn sheep.

PC 169: The document should recognize that while bighorn sheep are known to enter the urban interface and become habituated to human activity, it is not a desired condition and considered detrimental to the recovery of wild sheep populations. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to reflect this comment.

PC 170: Item 1(g) of Section 1.5, page 1-9, should be revised to read, “except for peripheral trails located at or near the edge of urban areas . . .” (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to reflect this comment.

PC 171: The document should cite that the Peninsular Ranges bighorn sheep were listed as rare by the California Fish and Game Commission in 1971 and that the designation was changed to threatened under the California Endangered Species Act in 1984. In addition, the species is designated as Fully Protected by the California legislature. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to reflect this comment.

PC 172: Wildlife biologists acknowledge the presence of Peninsular Ranges bighorn sheep in the Coral Reef Mountains, yet the Draft Environmental Impact Statement does not mention them and provides no management recommendations for the area. This would appear to be a serious omission. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: The Peninsular Ranges Bighorn Sheep Recovery Strategy identified in the Proposed Plan applies to all BLM-managed public lands in the Santa Rosa and San Jacinto Mountains, including the Coral Reef Mountains.

PC 173: The Draft Environmental Impact Statement does not adequately comply with the U.S. Fish and Wildlife Service's recovery plan for the Peninsular Ranges bighorn sheep. Only Alternative C with significant modifications would move the BLM towards compliance with the recovery plan, to which it is a legally bound signatory. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: Recovery plans provide useful guidance and information for consideration in the planning process. BLM utilized the Recovery Plan extensively as described in Section 1.5. The Recovery Strategy for bighorn sheep in the proposed plan was developed using recommendations in the Recovery Plan. BLM also continues to collaborate with California Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Forest Service, Agua Caliente Band of Cahuilla Indians, and private researchers in recovery efforts.

Recovery plans also assist in coordinating land use planning processes of management agencies at the federal, state and local level. Recovery plans recommend reasonable actions to promote

recovery and/or protect listed species, based upon the deliberations of a group convened by the Fish and Wildlife Service. However, recovery plans do not analyze alternatives, assess relative impacts, provide for interdisciplinary input, or allow for public participation like the public land use planning processes do. Recovery plans are not intended to be land use decision documents and they do not obligate cooperating or other parties to undertake specific tasks. The role of the recovery plan and its relationship to the views, official positions, or approval of any individuals or agencies involved in the plan formulation, other than that of the U.S. Fish and Wildlife Service is explained on page ii of the Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000). In summary, recovery plans create no legal obligation to implement, comply with, or conform to recommendations.

PC 174: In describing the relationship of the CDCA Plan Amendment to the recovery plan for the Peninsular Ranges bighorn sheep, it is unclear which activities are to be addressed through the plan amendment and which are subject to additional project level consultation with the U.S. Fish and Wildlife Service. Several activities listed on page 1-8 that are applicable to the plan amendment are also listed on page 1-10 as activities that will require project level consultation. (G. Black / California Department of Fish and Game)

Response: The Recovery Plan recommendations listed on page 1-8 of the Draft Environmental Impact Statement are applicable to the Plan Amendment in that these items are each addressed in the alternatives for Peninsular Ranges bighorn sheep recovery strategy. Page 1-9 lists recommendations that are applicable to the Draft Trails Management Plan, decisions for which will be made in the Coachella Valley Multiple Species Habitat Conservation Plan. The list of recommendations listed on page 1-10 in the Draft EIS would apply to project-level activities and as such, each proposed project level activity would require separate environmental review and consultation with the USFWS. The overlap between the lists of recommendations on pages 1-8 and 1-10 indicates that BLM may make a decision as a plan amendment to continue to actively pursue land acquisition *and* each land acquisition would require separate environmental review and Section 7 consultation with USFWS.

PC 175: Although the recovery strategy for Peninsular Ranges bighorn sheep indicates BLM will manage road use to reduce habitat fragmentation or interference with bighorn sheep resource use patterns, it does not indicate which roadways (paved or unpaved) currently operate to fragment habitat or interfere with movements near key resources. Also, the document fails to identify the data

which demonstrate that such fragmentation and interference are taking place in the Coachella Valley. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The Martinez Canyon “cherrystem” route, Dunn Road, and routes in the Snow Creek area constitute the only roads on BLM-managed lands in bighorn sheep habitat for which route designations would be applicable. It is unlikely that these routes result in habitat fragmentation or changes in resource use given that (1) vehicle use is generally low on these routes, and (2) access to Dunn Road and the road to the Desert Water Agency facility in Section 33, T3S R3E, is controlled by locked gates (also see response to PCs 150 and 151 regarding fragmentation).

Bighorn sheep location data indicate that ewes and lambs use the area adjacent to the lower Dunn Road near Cathedral City Cove. Thus, it is important to manage use of this segment of the road to prevent disturbance to these sheep. Although BLM cannot manage the entire length of the Dunn Road because the public land ownership pattern is intermittent (sections of the Dunn Road cross private land), public land portions of the road would be closed to casual use under the Proposed Plan. Motorized-vehicle access along the route into Martinez Canyon would be continued under the Proposed Plan, but could proceed no further than the end of the “cherrystem” established through designation of the Santa Rosa Wilderness Additions by Congress. Access to the Desert Water Agency facility in Snow Creek would remain closed to casual vehicle use under the Proposed Plan; other routes in the Snow Creek area would also be closed to motorized vehicles.

In summary, the Proposed Plan continues management that is avoiding habitat fragmentation.

PC 176: Since the Plan Amendment in Section 2.1.3.20, Recovery Strategy for Peninsular Ranges Bighorn Sheep, proposes the Biological Assessment as the default activity level plan if the Coachella Valley Multiple Species Habitat Conservation Plan is not completed, the Plan amendment must include the Biological Assessment and its Biological Opinion, and fully analyze them for public review and consistency with the Peninsular Ranges bighorn sheep recovery plan, the Plan amendment, and other interrelated plans. (J. Taylor / Sierra Club)

Response: Biological opinions are the regulatory purview of the U.S. Fish and Wildlife Service and are not subject to public comment, although they

are public documents available for review. BLM land use planning has placed alternatives before the public in a very open process, has utilized the recovery plan in preparing and analyzing the alternatives and has been careful to illustrate relationships to other plans. BLM will ensure the final trails management plan is consistent with this Plan Amendment.

The CDCA Plan (1980) had undergone public review prior to a final decision being issued in 1980. The 1980 Plan has also undergone amendments, which also were subject to public review. Bighorn sheep populations in the Peninsular Ranges were listed in 1998, and consultations on projects in bighorn sheep habitat were initiated. In January 2001, BLM submitted a biological evaluation to the U.S. Fish and Wildlife Service requesting initiation of Section 7 consultation under the Endangered Species Act. The results of this consultation on the existing land use plan were intended to cover management of public lands under the 1980 Plan as amended and implemented. The Biological Opinion based on the January 2001 submittal has not yet been received. However, the BLM is now also in formal consultation on this Plan Amendment. All consultation at the land use plan level is scheduled for completion in December 2002.

While the management direction is established by the Proposed Plan, the project and activity level details of how to implement the interagency trails management plan, called for in the recovery plan, will be subject to further consultation with the U.S. Fish and Wildlife Service. These details are currently in final preparations for a public review draft through the CVMSHCP. BLM continues to provide for management of recreational trail use consistent with bighorn sheep recovery until the interagency plan is complete. Section 3.8.1 has been modified to explain how trails are being managed pending completion of the interagency plan.

PC 177: Peninsular Ranges bighorn sheep should be allowed to occupy their best historical habitat. Development in the mountains should be stopped. (G. Cady)

Response: BLM has no jurisdiction regarding the development of private lands in bighorn sheep habitat, other than to address any proposals for such related infrastructure elements as access roads, utility lines or communications sites on public lands.

PC 178: It appears that all alleged scientific information receives the same weight and credibility. It is important to distinguish between opinion and correlative studies from experimental studies that have been conducted to potentially disprove a hypothesis. Few

of the studies cited relative to Peninsular Ranges bighorn sheep fit into this latter “experimental” category of strong scientific inference. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: BLM must rely upon and use the best available scientific analysis, data, and applicable evidence in addressing management actions relative to bighorn sheep. This means that correlative studies, experimental studies, and professional experience and opinion may be used, to the extent they are available, in the analysis of alternatives. The inherent complexity of ecology and wildlife science makes conducting rigidly controlled experimental studies in a natural setting difficult. BLM has attempted to refine the Chapter 4 impact analysis to illustrate what is fact and what is opinion.

PC 179: Although not directly acknowledged in the Draft plan, personal communication supplied a significant amount of scientific justification for the Peninsular Ranges bighorn sheep recovery plan, designation of critical habitat, and trail closures. These alleged scientific citations perpetuate a mythology that human disturbance occurs and is deleterious even if humans undertake benign recreation activities in bighorn habitat. This mythology is not science and must be winnowed from the Draft Environmental Impact Statement. (N. Stacey, R.R. Ramey II / Desert Riders)

PC 180: Sufficient information is not available to support the Peninsular Ranges bighorn sheep recovery plan. (D. Evans, City Council / City of Palm Springs)

Response: Although the Recovery Plan for bighorn sheep in the Peninsular Ranges was used to develop the array of alternatives for the Bighorn Sheep Recovery Strategy, it was not the sole source of information. BLM staff biologists used a large body of peer-reviewed scientific literature and did contact a broad cross-section of field biologists and scientists with credentials in bighorn sheep management and recovery in order to develop the basis for the sheep strategy.

PC 181: Both the Draft Environmental Impact Statement and Peninsular Ranges bighorn sheep recovery plan ignore the threat of global climate change to bighorn sheep recovery. Geochemical change in the environment and its effects on bighorn nutrition are supported by scientific evidence, yet both documents implicitly assume a static, unchanging view of the natural world. For both BLM and U.S. Fish and Wildlife Service not to consider management action within the context of these very real environmental changes is both negligent and a violation of the National Environmental Policy Act. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: Chapter 3, Affected Environment of the Final Environmental Impact Statement have been revised to reflect this comment.

PC 182: Section 4.1.8, Biological Resources—Peninsular Ranges Bighorn Sheep Recovery Strategy: Alternative A, item 4, should provide more explanation about how information can be misinterpreted and by whom. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to clarify this issue.

PC 183: Predation management, particularly of mountain lions, is not listed among the Peninsular Ranges bighorn sheep recovery strategies that are common to all alternatives. This is a significant omission given that mountain lions kill a substantial number of bighorn sheep in the Coachella Valley. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The Final Environmental Impact Statement has been revised accordingly.

PC 184: The document does not discuss whether and to what extent humans who visit the Coachella Valley, with or without OHVs, deter mountain lion predation on Peninsular Ranges bighorn sheep, and conversely, whether reducing the human presence in the Coachella Valley will increase the number of mountain lion attacks on bighorn sheep. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: There are no studies that address whether human recreation deters or prevents mountain lion predation on bighorn sheep, or whether reducing human presence in sheep habitat results in increased lion predation on sheep.

PC 185: Section 4.1.8, Biological Resources—Peninsular Ranges Bighorn Sheep Recovery Strategy: Alternative B, item 4, should indicate how mountain lions known to have killed sheep will be identified. (G. Black / California Department of Fish and Game)

Response: Predator control and management is the regulatory purview of the California Department of Fish and Game. BLM proposes to make public lands available for predator control if proposed by U.S. Fish and

Wildlife Service and the California Department of Fish and Game. Section 4.1.8 (Section 4.8 in the Final EIS) has been expanded to address this comment.

PC 186: In Section 3.8.1, Native Biological Resources, the document cites a number of causes that have resulted in the decline of Peninsular Ranges bighorn sheep, but fails to rank these causes of bighorn sheep mortality by severity. Data should be furnished that shows how many bighorn sheep have been killed by mountain lions versus those killed by motor vehicles and toxic plan ingestion. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Section 3.8.1 has been revised to address this comment.

PC 187: The Plan Amendment does not identify where motorized vehicles are having a negative effect on Peninsular Ranges bighorn sheep, nor does it indicate how the proposed reduction in OHV use areas and trails in the Coachella Valley will aid in the recovery of these bighorn sheep. The document should identify the technical studies demonstrating that OHV use in the affected areas is currently having an adverse effect on the bighorn sheep. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: There are two routes where vehicle use potentially could impact on bighorn sheep: the Martinez Canyon “cherrystem” route and Dunn Road. Dunn Road is routed through historic and occupied lambing and rearing areas in Cathedral Canyon; uncontrolled vehicle use would negatively impact sheep in this location. However, BLM proposes to designate Dunn Road as “closed” to motorized vehicle use (except for authorized and permitted uses) under the Proposed Plan, hence these impacts are not likely to be realized. Vehicle access to the Martinez Canyon “cherrystem” is limited to high clearance, four-wheel drive vehicles given the nature of the wash route. Rams largely use this area and vehicle traffic is low enough to limit any serious impacts to sheep in this area. This access route would be designated “open” under the Proposed Plan.

PC 188: Section 3.4, Recreation, makes reference to essential Peninsular Ranges bighorn sheep habitat, but does not explain the distinction, if any, between this and formally-designated critical habitat. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The definition of essential habitat has been added to the glossary in the Final Environmental Impact Statement.

PC 189: The Environmental Impact Statement should describe how many acres of habitat 1,100 Peninsular Ranges bighorn sheep require, what level of habitat disturbance and fragmentation renders the habitat unsuitable for bighorn sheep, and in what way is the currently-available habitat inadequate to support a population of this size. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: The Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000) addresses the habitat needs of bighorn sheep. Habitat loss represents a serious threat to Peninsular bighorn sheep because they occupy a narrow band of lower elevation habitat that represents some of the most desirable real estate in the California Desert. About 18,500 acres (or 30 square miles) of suitable bighorn habitat has been lost to urbanization and agriculture within the range of the three ewe groups that occur along the urban interface between Palm Springs and La Quinta. BLM, U.S. Fish and Wildlife Service, California Department of Fish and Game and others are committed to acquiring private land from willing sellers in bighorn sheep habitat to ensure that as the population recovers, there is adequate habitat for the expanding population.

PC 190: Despite indications in the Environmental Impact Statement that bighorn sheep are poor colonizers of available habitat because habitat use patterns are learned from experienced animals (Risenhoover 1988); that once ewes discontinue use of a particular area, it may be difficult for inexperienced sheep to establish in the area; and that efforts to relocate bighorn sheep have met with little success, the proposed Plan amendment seeks to reclaim more habitat through closure of long-established recreation areas, an action that makes no sense. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: BLM proposes no motorized-vehicle area closures through this CDCA Plan Amendment that are predicated on Peninsular Ranges bighorn sheep recovery. Seasonal area closures for non-motorized activities in the Santa Rosa and San Jacinto Mountains will be addressed through the Coachella Valley Multiple Species Habitat Conservation Plan.

PC 191: Regarding the statement in Section 3.8.1, Native Biological Resources, that the Peninsular Ranges bighorn sheep population

has stabilized in the last four years and appears to be increasing, data supporting this statement should be provided. Also, locations in the Coachella Valley where population declines have been arrested and/or reversed should be identified, and the means of such change should be described. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: According to surveys conducted by the California Department of Fish and Game, bighorn sheep populations in the Peninsular Ranges appear to be increasing at a modest rate. Overall rates of increase since 1996 are approximately 16%.

PC 192: Failure to identify Desert Riders as a stakeholder and include them in consultation during development of the bighorn sheep recovery plan resulted in a deficient plan. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: Preparation of Recovery Plans is the regulatory purview of the U.S. Fish and Wildlife Service as authorized under the Endangered Species Act.

PENINSULAR RANGES BIGHORN SHEEP—RESEARCH AND MONITORING

PC 193: Capture indisputably causes stress to and habitat displacement of bighorn sheep. The potential effects of aerial sampling and the condition and reproduction success of large mammals should be considered. (G. Cady)

Response: BLM acknowledges that capture and handling cause stress to bighorn sheep. The Recovery Strategy for Peninsular Ranges bighorn sheep described under the Proposed Plan addresses use of helicopters for survey and capture and seeks ways to reduce research-related stress and disturbance as well as other types of human disturbance.

PC 194: The list of causes for population decline of Peninsular Ranges bighorn sheep is missing disturbance from research activities such as helicopter surveys and human handling. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: Although research, monitoring, and handling do have an indisputable impact on bighorn sheep, these activities rarely result in mortality (an average 1-2% capture-related mortality), thus are not included in the

list of factors causing the decline of bighorn sheep in the Peninsular Ranges.

PC 195: Causes of bighorn sheep lamb mortality are poorly understood. Capturing, collaring, and monitoring these lambs provide cause-specific mortality data. However, lambs are subject to stress when captured like any wild animal. Once traumatized, the individual is traumatized forever and never fully recovers. Additionally, once drenched with the human scent and collared, the mother might reject the lamb. (G. Cady)

Response: Experience in the Peninsular Ranges indicates that ewes do not reject lambs that have been handled in the course of research. During a 4-year lamb mortality study, the Bighorn Institute and California Department of Fish and Game reported zero lambs being rejected by their mothers after capture and handling. However, it is true that lambs are stressed by capture and handling. The duration and long-term effects of this stress are not known.

PC 196: If the BLM chooses to accept the U.S. Fish and Wildlife Service's selective review of scientific literature and "human disturbance" bias, BLM must look at researcher activity anew and make a determination as to whether the researcher activity is similar to another type of human activity being restricted or prohibited. For example, claiming that off-trail foot surveys are not typically considered a risky research activity, despite research citing such activity as causing stress to sheep (Papouchis et al., 2000), while suggesting that benign on-trail use should be restricted or prohibited indicates a disconnection in logical thinking by both the USFWS and BLM. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: BLM has addressed research activity in the Recovery Strategy for Peninsular Ranges bighorn sheep in the Plan Amendment, and will continue to seek and promote alternative methods for monitoring and research that are non-invasive and that substantially reduce or eliminate research-related stress to bighorn sheep.

PC 197: Published literature has clearly revealed the deleterious effects of helicopter surveys in two ways. First, experimentally, Bleich et al. (1994) showed abandonment of areas during helicopter surveys and that "mountain sheep" did not habituate or become sensitized to repeated helicopter flight. Second, Martucci et al. (1992) demonstrated "severe metabolic acidosis due to helicopter supported capture and manual restraint during blood sampling." This has led to cases of capture myopathy, a permanent debilitation condition. Fatalities resulting from helicopter capture

are approximately 1-2% of the captured animals. This is clearly “take” under the Endangered Species Act. If trail use with no clearly demonstrated deleterious effect is subject to temporary or permanent closures, then both helicopter surveys and capture on BLM land should be banned until these sheep are no longer endangered. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: BLM and California Department of Fish and Game jointly manage bighorn sheep on public lands in that BLM manages the habitat and CDFG manages the animals. To this end, the two agencies entered into a Master Memorandum of Understanding in 1984 to facilitate interactive management activities. Per this MMOU, the CDFG agreed to “annually submit, by July 1, to the Bureau, a list of wildlife transplants and reintroductions proposed for public lands for the period beginning 12 months after submission. Such transplants or reintroductions must be approved by the Bureau’s State Director and the Department’s Director prior to implementation. Emergency situations may necessitate relocations to public lands. These will require the same approval authority as described above.”

BLM remains committed to reducing all types of disturbance to bighorn sheep, in coordination with California Department of Fish and Game. The Proposed Plan addresses this in the Recovery Strategy for Peninsular Ranges bighorn sheep. Specific trail decisions will be made in the Coachella Valley Multiple Species Habitat Conservation Plan. However, the decisions made in the plan amendment that are relevant to research permitting and monitoring will be applicable regardless of the specific, detailed decisions made in the Trails Management Plan and the Coachella Valley Multiple Species Habitat Conservation Plan.

PC 198: Research techniques currently employed by biologists studying the Peninsular Ranges bighorn sheep, e.g., helicopter surveys and extensive handling of lambs, disrupt the sheep more directly than any other human activity. Highly disruptive activities such as low-altitude helicopter surveys affect the bighorn sheep more profoundly than do a few OHVs traveling slowing in the distance. Perhaps too much scientific intervention and management are hampering the recovery effort. (D. Hubbard / San Diego Off-Road Coalition, Off-Road Business Association, California Off-Road Vehicle Association)

Response: BLM has addressed the impacts of research and monitoring in the Recovery Strategy for Peninsular Ranges bighorn sheep in the Proposed Plan.

PC 199: To rehabilitate public confidence, BLM needs to devote a section of the Environmental Impact Statement to researcher activities, gather the scientific studies that point out where science is lacking, and apply the same standards of evaluation to both recreational and invasive research activities. Without these same standards being applied, the National Environmental Policy Act and equal protection of all persons under the law are violated. (N. Stacey, R.R. Ramey II / Desert Riders)

Response: BLM has rigorously addressed the issue of bighorn sheep research on public lands in the Draft and Final Environmental Impact Statements. The intent is to provide guidelines, in addition to the mandatory permit requirements under the CDCA Plan (1980), for reviewing and approving research permits, and to provide a mechanism for more effective sharing information obtained through research via permit stipulations. The potential impacts of non-motorized recreation on Peninsular Ranges bighorn sheep will be addressed through the trails management plan element of the Coachella Valley Multiple Species Habitat Conservation Plan.

PC 200: Capture/release and augmentation programs in the Santa Rosa and San Jacinto Mountains have not been fully evaluated and publicly reviewed. Release of bighorn sheep captured from the northern Santa Rosa Mountains or pen-raised bighorn sheep from the Bighorn Institute into the San Jacinto Mountains may have an adverse impact upon the existing sheep due to different behavior patterns. The captured and pen-raised bighorn sheep have exhibited behaviors such as using urban landscapes for forage and water, and seem to have adjusted to more human contact. Conversely, the bighorn sheep in the San Jacinto Mountains avoid urban landscapes and human contact, and seem to stay at higher elevations. (D. Evans, City Council / City of Palm Springs)

Response: Capture and release programs are the regulatory purview of the U.S. Fish and Wildlife Service and California Department of Fish and Game. However, captures and releases on BLM-managed public lands are subject to review in accordance with the National Environmental Policy Act, consultation with USFWS, and authorization by BLM. No data are currently available to test the comment's hypothesis concerning behavioral differences between captive-reared and wild-reared sheep.

PC 201: In Section 2.1.3.20, preferred alternative regarding a recovery strategy for Peninsular Ranges bighorn sheep, item 5 should mention that an environmental assessment was prepared by BLM that addressed bighorn sheep research. The analysis should not focus solely on helicopter use and direct handling. An analysis

should be provided comparing different research methods to methods using helicopters or direct handling. All research proposals, not just helicopter and direct handling methods, should be evaluated by the same criteria, i.e., on the basis on less intrusive techniques, the value of the data obtained, and the costs. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to reflect this comment.

PC 202: BLM must allow manipulated trail use research to acquire hard data regarding the effects of trail use on Peninsular Ranges bighorn sheep. The Plan Amendment does not allow wildlife agencies to conduct such studies on public lands. (J. Taylor / Sierra Club)

Response: The Proposed Plan does not prohibit manipulative trail use studies, rather it provides criteria for assessing all research proposals on a case-by-case basis.

PC 203: Regarding the requirement identified in the bighorn sheep recovery strategy to have permits and research proposals on public lands be subject to a minimum 30-day public review and comment period, this period should be increased to 60 days given the time it takes for people to learn about such proposals. (B. Crites / City of Palm Desert)

Response: The Final Environmental Impact Statement has been revised to allow BLM the flexibility of extending the public comment period on controversial research proposals.

SOCIO-ECONOMIC VALUES / ECONOMIC DEVELOPMENT

PC 204: Although the BLM claims that Alternative C would substantially restrict opportunities for future economic development of the BLM-managed lands, it is unclear how this alternative reduces anything but the short-term exploitation of land and natural resources, other than by not creating an OHV open area. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: Table ES-2, Effects of Coachella Valley CDCA Plan Amendment Alternatives (Executive Summary), summarizes the socioeconomic impacts to future economic development of BLM-managed lands, including reduction of long-term supplies for sand and gravel,

constrained energy generation, diminishment of communications site availability, and displacement of OHV use to non-Federal lands. The Plan Amendment does not identify these impacts as short-term.

PC 205: The DEIS correctly argues that the protection of land health though implementation of the proposed plan amendments will have positive long-term economic impacts. In its socioeconomic analysis, the BLM should consider more stringent conservation recommendations to be an economic benefit, not a cost. (J. Cook; D. Patterson / Center for Biological Diversity, California Wilderness Coalition)

Response: Simple, direct correlations between economic benefit or cost and a general concept of more stringent conservation measures cannot be established. Evaluation of the benefits or costs of management measures is generally affected a complex combination of factors which can vary depending on the economic sector affected. The DEIS evaluates the application of the proposed land health standards and the air quality management strategy in Section 4.15, identifying both benefits and costs.

PC 206: The BLM should be mindful of the impact and importance of filming to the state and its local communities, and consider the effects of the plan on the film production community, the local jurisdiction, and California citizens that derive financial benefits from this industry. (K. Thames / California Film Commission)

Response: The Final Environmental Impact Statement has been revised to reflect that the areas available to film permitting are not affected, but filming would be subject to conservation and environmental requirements in the Proposed Plan. Identification of sites on public lands for commercial filming activities is on a project-by-project basis, dependent on each project's story line and the director's vision of how and where it should be captured on film. Film locations on public lands and the extent to which such locations would be utilized are not always predictable. Thus the specific effects of these projects would be addressed under project-level environmental assessment. By this method, BLM has processed, and will continue to process, applications for film permits in accordance with 43 CFR Part 2920.

PC 207: Under current federal law, use of federal lands by a film production company is considered a commercial use. This categorization limits filming on federal lands because most other types of commercial operations have a far greater impact. Filming is an environmentally clean, short-term, and noninvasive

business and should be categorized as such. (K. Thames / California Film Commission)

PC 208: Motion picture studios have always believed in conservation. It is unfair for BLM to designate the film industry as a commercial venture along with mining, grazing, and other commercial activities because of the temporary nature of filming activities. Film companies often leave sites in better condition due to a need to make an area look pristine for a film. (J. Fitzpatrick / Motion Picture Association)

Response: Commercial film production on public lands requires the issuance of a permit in accordance with 43 CFR Part 2920. Terms and conditions required for permitted filming activities are determined on a site-specific, case-by-case basis, and are commensurate with the level of potential impacts to resource values, public health and safety. Categorizing film production as a commercial activity, when applicable, does not in itself restrict the activity.

PC 209: It appears that the proposed plan would restrict development in Thousand Palms. Residents defeated a proposal a couple of years ago to restrict development, and now it seems like the imposition of restrictions is being approached in a different manner. (N. Madson)

Response: The BLM does not propose to limit development of private land in Thousand Palms or anywhere else. BLM can only propose management decisions for Federally owned lands.

INFORMATION AND EDUCATION

PC 210: Many voices of the people who enjoy the public lands are not being heard. (W. Lewis / Desert Side Tracks)

Response: Throughout the planning process for the Coachella Valley Plan, BLM has strived to create an open planning process, such that opportunities for public input were not limited to the minimum requirements set by the BLM planning regulations and National Environmental Policy Act. This planning process has also been deliberately designed to engage and involve local government, State agencies, other Federal agencies, and Indian tribes to a very high level, and has utilized numerous planning meetings open to public participation that included briefings and draft documents. Information about the collaborative planning process is contained in the Executive Summary under “The Collaborative Planning Process.”

PC 211: Some OHV users ride across the desert without consideration of wildlife habitats. Government in general has failed to educate the public on proper trail etiquette and the proper way to go off-roading. (R. Sargent / Desert Side Tracks)

Response: BLM continues to participate in the *Tread Lightly!* program, which endeavors to foster responsible driving on public and non-public lands. In the California Desert Conservation Area, BLM has widely-distributed brochures about this program. Principles of the *Tread Lightly!* program are included in BLM's Desert Access Guides, which have been purchased by thousands of individuals using the back country of the California Desert. In addition, these Desert Access Guides explain the "rules" of back country use, whether use is via motorized vehicle, horseback, or foot, and address safety issues to be considered by the traveler. BLM has also worked cooperatively with the vehicle industry to promote the safe use of vehicles and proper use of the desert area.

PC 212: There should be educational programs alerting people to the spread of disease by insects and rodents in the Coachella Valley. (D. Gonsi / CV Mosquito and Vector Control District)

Response: This comment has been addressed and included in the Proposed Plan in Table 2-8: Policy and Management Guidance for Plan Implementation, located in Section 2.6: Plan Implementation.

PC 213: Outdoor areas need to remain open so our children can experience and learn what they have to offer, thereby developing a love and respect for nature. If they cannot access these areas, they cannot learn to respect nature. (W. Lewis / Desert Side Tracks)

Response: Under the Proposed Plan, BLM would provide a motorized-vehicle access network that reaches most public land areas in the Coachella Valley where open roads currently exist. The open access network under the Proposed Plan is depicted in Figure 2-11b. Generally, all public lands with few exceptions are open to entry on foot or horseback, thereby providing opportunities to learn about and appreciate the natural environment.

IMPLEMENTATION AND MONITORING

PC 214: There should be follow-up after implementation of the plan to determine whether the predicted outcomes were realized, and if not, what has occurred. (J. Fitzpatrick / Motion Picture

Association; K. McArthur / University of California Cooperative Extension)

Response: Section 2.6, Plan Implementation, includes a summary of the more pertinent laws, regulations and policies relative to the CDCA Plan, as amended. In accordance with BLM planning manual guidance, BLM shall monitor and evaluate the continued effectiveness of the CDCA Plan, as amended, in meeting the goals and objectives of the Coachella Valley Multiple Species Habitat Conservation Plan and other multiple uses in the Coachella Valley. Monitoring activities and adaptive management actions are open to public review and participation.

PC 215: The CDCA Plan Amendment does not address the cost to implement the recommendations. To implement the plan and monitor the results would take several times the staff currently available. As no increases in budget are anticipated---if anything, BLM appropriated funds are being cut back---implementation schedules will not be met and BLM will once again be sued for this failure. (R. Denner / California Desert District Advisory Council)

Response: BLM will include costs of implementing the Coachella Valley Plan in its budget requests. Annual funding allocations for such implementation will determine implementation strategies and priorities. Whether lawsuits regarding BLM's efforts to implement the Plan will be filed is unknown, and does not constitute rationale for formulating the final Plan.

PC 216: BLM should provide for additional law enforcement ranger patrol in the Drop 31 area to reduce human intrusion into bighorn sheep habitat. (G. Black / California Department of Fish and Game)

Response: Allocation of law enforcement resources is outside the scope of the Proposed Plan. Deployment of BLM law enforcement staff is based on the distribution of human use, and compliance and other resource protection and public safety issues. The Drop 31 area is routinely patrolled by BLM rangers.

PC 217: It is not clear whether an adaptive management strategy has been developed to provide flexibility. (V. Bradshaw / Imperial Irrigation District)

Response: Section 2.2, Plan Goals Common to All Alternatives, states that a common goal is to develop an overall strategy for managing the public lands which is adaptable over time based on the results of resource

monitoring to achieve the other identified goals. Based on changing conditions observed through monitoring activities, BLM can undertake different courses of action, when necessary, to achieve the established goals.

PC 218: The Final Environmental Impact Statement should identify specific elements of other alternatives that will be considered as fallback options if management objectives are not being met during a reasonable time frame. (L. Hanf / U.S. Environmental Protection Agency)

Response: BLM Land Use Plans are strategic in nature, and are designed to provide a clear management direction. BLM land use plans are prepared in accordance with the planning regulations at 43 CFR 1610 and NEPA. Any change in the management strategy outlined in the land use plan must be addressed through a plan amendment process, again following the 43 CFR 1610 regulations and NEPA.

Subsequent actions that directly affect the public lands and resources must be in conformance with the approved land use plan. If activities affecting the public lands and resources are not in conformance with the conservation objectives or land health standards outlined in the Proposed Coachella Valley CDCA Plan Amendment, BLM has the authority to impose emergency closures or to issue “stop work” orders. In other words, BLM’s fallback options are already built into its operational mandate and regulations.

EDITORIAL

PC 219: Although text shows Alternative “A” as the preferred alternative, Figure 2-8 shows Alternative C as the preferred alternative with the entire Whitewater grazing allotment deleted. (J. Morgan / Sierra Club)

Response: The Proposed Plan is Alternative A. The Final Environmental Impact Statement for livestock grazing has been revised (see Section 2.4.14).

PC 220: In Section 2.1.3.5, the description of multiple-use classes for OHV open areas under the preferred alternative does not match Figure 2-3(a) which indicates that Windy Point, Indio Hills, and Iron Door are classified as Multiple-Use Class “I” (Intensive Use). (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to correct this oversight.

PC 221: In Table 3-6, there is no description regarding the meaning of “SP” as pertains to the Flat-tailed Horned Lizard. (V. Bradshaw / Imperial Irrigation District)

Response: The Final Environmental Impact Statement has been revised to correct this oversight.

PC 222: In Section 4.1.8, page 4-57—third paragraph, line 9 should read “California Department of Fish and Game. (G. Black / California Department of Fish and Game)

Response: The Final Environmental Impact Statement has been revised to correct this error.

PC 223: The Plan Amendment states that the preferred alternative is highlighted in the summary, yet no such highlighting is apparent. (J. Taylor / Sierra Club)

Response: The shading in Tables ES-1 (Summary of CDCA Plan Amendment Alternatives) and ES-2 (Summary of Trails Management Plan Alternatives) used to identify the preferred alternative apparently did not reproduce sufficiently dark to be visible in some copies of the Draft Plan Amendment and Environmental Impact Statement. The Proposed Plan is more clearly identified in Table ES-1 of the Final Environmental Impact Statement (FEIS). Table ES-2 is not carried forward into the FEIS as the trails management plan will be addressed through the Coachella Valley Multiple Species Habitat Conservation Plan. Table ES-2 is now summarizes the effects of the Coachella Valley CDCA Plan Amendment alternatives.